**First Nations Commissioning Fund**

**Guidelines – Round 2**

**Introduction**

The arts and cultural sector continues to be significantly impacted by the COVID-19 pandemic and associated restrictions with artists and arts workers facing additional challenges in the current environment. In June 2020, the Queensland Government announced an Arts and Culture Recovery Package of $22.5 million over two years to stabilise Queensland’s arts companies, secure employment for artists and arts workers and deliver COVID-safe cultural experiences for Queensland audiences.

In addition to this investment, Arts Queensland (AQ) in consultation with the sector refocussed existing grant programs to further strengthen sector activity and provide economic opportunity, employment, and audience engagement during the recovery phase.

AQ acknowledges that Aboriginal and Torres Strait Islander communities face additional challenges due to higher health risks, and First Nations artists and arts workers face significant economic impacts and employment disruptions due to resulting COVID-19 restrictions on travel.

The contribution of First Nations Peoples to the arts and cultural economy of Queensland is significant. The strength and continued growth of the sector relies on the sustained practices of Aboriginal and Torres Strait Islander artists, arts workers and organisations.

The Queensland Government’s Backing Indigenous Arts (BIA) initiative supports sustainable and ethical arts industries in Queensland.

**BIA objectives are:**



**What is the First Nations Commissioning Fund?**

The First Nations Commissioning Fund (the Fund) is for Queensland-based Aboriginal and/or Torres Strait Islander arts and cultural practitioners, organisations, collectives or communities to commission and deliver uniquely Queensland Indigenous stories, arts and cultural experiences, products and celebrations.

This fund does not intend to support the business activities of commercial arts businesses whose core business is the purchase and sale of art. Rather, it is for the development of new work that will have a life through public display, presentation, or sale by not-for-profit entities.

**When can you apply?**

Applications open: 15 October 2021

Applications close: 4pm, 26 November 2021

Funding announcement: January 2022

For activities commencing: From 1 February 2022

Note: AQ cannot fund retrospective activities. If your activity start date is before the above listed commencement date, your application will be ineligible.

**How much you can apply for?**

Under this fund, if you are **eligible**, you can make application for:

* up to $60,000 (exclusive of GST) towards small and large scale commissions. This may include creative projects, development, festivals or presentations and must involve other partners and collaborators. Projects can take place at multiple venues or in communities across Queensland. Applicants **cannot** apply for 100% of project costs through this funding stream.

**Who can apply?**

To apply you must be an Aboriginal and/or Torres Strait Islander artist/arts worker, organisation\* or collective based in Queensland.

\*For the purposes of The Fund, a First Nations organisation is one that is at least 50% owned and led by Aboriginal and/or Torres Strait Islander peoples, who have formal authority to make decisions in operations and governance of the organisation.

**Eligibility**

To be eligible, all applicants must:

* be based in Queensland
* have an active Australian Business Number (ABN) in the same name as the application, or be represented by an eligible auspice organisation
* provide appropriate evidence of cultural and intellectual property permissions relevant to the application
* show how the work directly benefits Indigenous artists and/or communities
* demonstrate that funding received will be directed primarily to First Nations peoples and/or communities involved
* have satisfied the reporting requirements of any previous Arts Queensland funding
* present the work within one year of funding approval
* not commence funded activities prior to 1 February 2022
* have only submitted one application to this round of the First Nations Commissioning Fund
* not seek 100% of project costs through the fund
* provide evidence that all artists and artsworkers engaged in activities for children, young people, schools or kindergartens hold current blue cards
* auspiced applications must be submitted in SmartyGrants by their nominated auspice organisation and under the auspice email address

**Auspicing of applications**

Arts Queensland accepts applications to the First Nations Commissioning Fund made on your behalf by a Queensland-based auspice organisation.

* Auspicing of applications is provided to assist in building capacity across the sector and enable access to grant funding for:
* applicants without an ABN
* new applicants and/or emerging artists/arts workers seeking to upskill in applying for grant funding.
* Funding requested can include a fee for the auspice body as part of the project costs up to a maximum of $3,000 (exclusive of GST). This fee is to assist the auspice body with the administration of the grant, and must be relevant to the service that will be provided to the applicant, which may include but is not limited to administration of the grant funds, accounting, funding acquittal, evaluation and marketing skills development.
* Auspice bodies are not restricted in the number of applications that they auspice.
* Any changes required to a funding arrangement will need to be approved in writing by the auspice organisation.
* If an applicant begins an application in SmartyGrants under their own email address they must contact Arts Queensland to change the online user to the auspice organisation’s email. The auspice organisation must submit the application and agree to the certification at the end of the application form.

**The auspice organisation must**

* Be a Queensland-based organisation.
* Have an active ABN and bank account in the name of the auspice body.
* Be a small to medium arts/cultural organisation previously funded by Arts Queensland since 1 January 2019, an Arts Owned Company (AOC) or an Arts Statutory Body (ASB).
* Provide a signed letter by the authorised officer agreeing to support the applicant (who may be an individual, organisation or group who is unable to make an application on their own behalf) and manage any approved grant (further details below). The letter must detail the support to be provided to the applicant and certify that the auspice organisation will be responsible for ensuring the funding is paid to the applicant and applied toward the funded project efficiently and in accordance with the terms of the funding.
* Agree to support the applicant including to perform the funded project and comply with the funding agreement.
* Submit the application on behalf of the applicant (individual, organisation or group) and complete the certification on the application and acquittal forms.
* Have satisfied the reporting requirements of any previous Arts Queensland funding.

The following are **ineligible** for funding support:

* Current Arts Queensland employees or former employees who ceased employment less than six months before applying. Employees of Arts Statutory Bodies and the Department of Communities, Housing and Digital Economy should consult the ‘Important Information for Applicants’ document before applying.
* Applicants receiving investment through Arts Queensland’s multi-year operational funding (Organisations Fund, First Nations Pathways, Indigenous Art Centre multi-year, and Indigenous Art Centre Launch Fund) who are unable to demonstrate how the project differs from core business activities.

**What can you apply for?**

You can apply for funding to contribute to the commissioning, development and presentation of new First Nations works by Aboriginal and Torres Strait Islander peoples, organisations, collectives or communities.

Funded activity may include:

* commissioning of high-quality visual arts, mixed media or performance works by Aboriginal and/or Torres Strait Islander artists and organisations
* creative development of emerging Indigenous works
* professional fees for key First Nations creatives including cultural consultants, writers, designers, artists, directors, choreographers, dramaturgs, performers and other lead artists and arts workers
* Aboriginal and/or Torres Strait Islander emerging festivals or events in Queensland communities
* costs towards artistic collaboration between Indigenous arts practitioners and a nationally or internationally significant artist or company
* purchasing of equipment to deliver your project (up to $3,000 exclusive of GST).

Applicants who will be working with children, youth and/or school/community groups involving children must demonstrate how it will meet all necessary Queensland Government legislative requirements for working with children and young people, including for example, the *Work Health and Safety Act 2011* and the *Working with Children (Risk Management and Screening) Act 2000.*

**How will your application be assessed?**

Arts Queensland staff check applications to the Fund for eligibility. First Nations members of an independent peer assessment Panel will assess all eligible applications. The Panel will assess applications against the below criteria, and make funding recommendations to the Director-General, Department of Communities, Housing and Digital Economy.

**Assessment Criteria**

When preparing your application, you should address the following assessment criteria:

***Quality***

* Demonstrates artistic achievement in Aboriginal and Torres Strait Islander arts and cultural practices.

***Reach***

* Responds to need or demand for the commission and can grow new audiences for First Nations arts and cultural work..
* Provides employment opportunities for Aboriginal and Torres Strait Islander Peoples through the planning, delivery and outcomes of the commission.

***Impact***

* Supports health, wellbeing and economic outcomes for First Nations Peoples and communities through creative industries and practices.
* Evidences the calibre of partnerships and collaborations including financial partners.

***Viability***

* Evidences appropriate cultural permission/s for this project, including, for use of Aboriginal and Torres Strait Islander community-owned contents and forms.
* Good planning, logistics and risk management (including contingency plans for weather or pandemic), and including applicable insurances and security measures, health and safety (including COVID-Safe plans) and working with children (if applicable).

**How to submit your application**

You can upload applications (video, audio and/or written), along with project timeframe, budget, letters of support, artist biographies/CVs, examples of prior work and appropriate cultural permissions, through SmartyGrants: <https://artsqueensland.smartygrants.com.au>

If your funding is to be auspiced you must include in your application a signed letter by an authorised officer of the auspice body agreeing to manage your application (if successful). The letter must also advise what support the auspice body is offering the applicant in relation to upskilling, mentoring, governance and administration of the grant. The letter must certify that the auspice body will be responsible for ensuring the funding is paid to the applicant and applied toward the funded project efficiently and in accordance with the terms of the funding.

The steps to follow in submitting an application include:

* Read the Fund Guidelines and identify if the Fund suits your project.
* Put together your application (video, audio, and/or written) including timeframe, budget, letters of support, examples of prior work, appropriate cultural permissions and auspice organisation letter of confirmation (if applicable).
* Upload your information through SmartyGrants: <https://artsqueensland.smartygrants.com.au> and submit your application by 4pm   
  26 November 2021
* Contact the Arts Queensland Fund Manager if you cannot upload online to discuss other options.

**If you have queries regarding the First Nations Commissioning Fund, please contact Danelle Nicol, Development Manager, on telephone (07) 4047 4905 or email** [**Danelle.Nicol@arts.qld.gov.au**](mailto:Danelle.Nicol@arts.qld.gov.au)**.**

Incomplete or late applications are ineligible and will not be assessed.

**Application Outcomes**

When the funding results are announced, all successful and unsuccessful applicants will receive an email advising of the result of their funding application.

If AQ staff deem your application is ineligible, we will notify you. You are strongly encouraged to discuss your application with AQ prior to submitting it to minimise the risk of this occurring.

**How to manage a successful application**

If you are approved for funding, Arts Queensland will be in contact to negotiate funding/special conditions, send you a funding agreement and request an invoice for your payment details.

If you do not return the signed funding agreement and payment details within 30 days, the offer of funding will lapse and will no longer be available for you to accept.

You will need to keep invoices/receipts as proof of expenditure. AQ conducts Quality Assurance activities and may request verification of expenditure.

AQ may ask you to supply additional information to demonstrate that you have met the funding conditions before making payment.

**Reporting you will need to do if successful**

All successful applicants will be required to submit an outcome report to AQ within 30 business days of completing your funded activities to acquit the grant. The outcome report collects information about outputs and outcomes, including artistic, cultural, social, and economic returns on investment, and the expenditure of grant funding.

It is recommended that you familiarise yourself with the outcome report before you submit your application. The outcome report templates, as well as a range of associated tools and resources, are available from the AQ webpage.

Depending on the approved project and terms of your funding, you may also be required to submit a progress report to AQ advising of progress towards key performance outcome targets or milestones within your project plan. AQ will advise you if this is required prior to the commencement of your project/activity.

AQ may also ask you to submit photos representing the project, and a quote from a project representative, which AQ or Arts Minister’s office may use in social media for promotional purposes to promote funding outcomes.

You will need to submit the acquittal documents via SmartyGrants. You cannot apply for further funding from AQ until we approve the grant acquittal. An AQ staff member will assess your acquittal documentation and may ask you to provide further information about the acquittal.

AQ may request the return of grant funds if they are unspent at the time of acquittal, or due to breaches of the funding Guidelines or funding agreement.

**Governance**

## ***Auspicing of applications***

### If the application is successful, the auspice body will receive any funds allocated and is responsible for the management of the grant and the acquittal of grant funds. The auspice body sponsoring an application must:

* agree to accept legal and financial responsibility for the grant
* agree with the applicant about how the grant will be managed
* submit the application on behalf of an individual, group or organisation
* if approved, manage all aspects of the terms and conditions
* provide up-skilling, mentoring, governance and administration support to the individual, group or organisation.

***Acknowledgement of Funding***

All recipients of funding programs must correctly acknowledge the Queensland Government’s contribution and you can find further details regarding how to do so on the AQ webpage.

***Rules, breaches, and enforcement***

Breaches of these funding guidelines or the funding agreement will result in:

* You being ineligible for future funding from AQ
* Grant funds being recalled

**Indigenous Cultural and Intellectual Property (ICIP)**

Arts Queensland respects the cultural and spiritual significance of First Nations People and acknowledges that:

(a) any ICIP belongs to the Traditional Owners of the ICIP; and

(b) ownership of the ICIP will, at all times, remain with the Traditional Owners of the ICIP.

**Indigenous Cultural and Intellectual Property or ICIP** means First Nations Peoples' interests in their culture, heritage and knowledge and includes the intangible and tangible aspects of cultural practices, cultural expressions, resources and knowledge systems that have been, and continue to be, developed, nurtured and refined by First Nations People as part of expressing their cultural identity. ICIP excludes Intellectual Property Rights and Moral rights.

**Intellectual Property Rights** includes all present and future rights in relation to copyright, trademarks, designs, patents, trade, business or company names, trade secret, confidential or other proprietary rights, or any rights to registration of such rights whether created before or after the date of this Funding Agreement, and whether existing in Australia or otherwise, but excludes Moral Rights;

**Moral Rights** means the right of integrity of authorship, the right of attribution of authorship and the right not to have authorship falsely attributed, more particularly as conferred by the *Copyright Act 1968* (Cth), and rights of a similar nature anywhere in the world, whether existing before or after the date of the Funding Agreement.

Arts Queensland may use images or material developed through funded initiatives for marketing, reporting or archival purposes and will seek approval from the applicant prior to doing so. Applicants are to advise Arts Queensland if the initiatives incorporate any ICIP, and if there are any restrictions on using the ICIP. Applicants are to advise Arts Queensland of the appropriate acknowledgement of Traditional Owners and the circumstances and form in which the acknowledgement must be made.

The following acknowledgement proforma may be used:

*“This work embodies traditional ritual knowledge of the 🞴[NAME]🞴 Community. It was created with the consent of the custodians of the Community. Dealing with any part of this artwork for any purpose that has not been authorised by the custodians may constitute a serious breach of the customary laws of the 🞴[NAME]🞴 Community. “*

Full details can be found in Arts Queensland’s Terms of Funding <https://www.publications.qld.gov.au/dataset/terms-of-funding-version-8> or the funding agreement.

**Goods and services tax (GST)**

If the approved applicant or auspice body (if applicable) is registered for GST, you must acquit the grant using invoices to the value of the grant excluding GST spent on the goods or services.

If the approved applicant is not registered for GST and the application is not auspiced, you must acquit the grant using invoices to the value of the grant including GST spent on the goods or services.

**Client Survey**

From time to time AQ conducts client surveys. These surveys are voluntary and may be emailed to applicants. They support continuous improvement of the grant processes. All responses will remain confidential.

**Where can I find help to prepare my application?**

You can find information about the First Nations Commissioning Fund including Frequently Asked Questions, Important Information for Applicants, and other information on the AQ website INSERT LINK.

It is recommended that you review and familiarise yourself with these documents prior to submitting your application.

**Arts Law Centre of Australia/ Artists in the Black**

Arts Law is an independent not-for-profit national community legal centre for the arts. It provides free or low cost specialised legal advice, education and resources to Australian artists and arts organisations across all art forms, on a wide range of arts related legal and business matters <https://www.artslaw.com.au/>

Arts Law’s *Artists in the Black* program delivers targeted services to Aboriginal and Torres Strait Islander artists nationally <https://www.artslaw.com.au/artists-in-the-black/>.

**Explore Arts Acumen**

Arts Acumen is an AQ online resource, which includes a range of information and opportunities to foster knowledge growth, connections, and access to industry intelligence. Toolkits on application writing, budget preparation and selection criteria are available from <http://www.arts.qld.gov.au/arts-acumen>

**Creative Business Champions Hub**

The Creative Business Champions Hub provides free, expert, personalised online support to Queensland artists and arts workers. Covering a range of discipline areas, this service can help you develop arts business skills, competencies and networks to support business sustainability and growth. Find out more at: <https://rasn.org.au/cbc/>

**Protocols for working with First Nations Artists and Communities**

You can find guidance on best practice approach for working with First Nations artists and communities on the Australia Council for the Arts website: [Protocols for using First Nations Cultural and Intellectual Property in the Arts](https://www.australiacouncil.gov.au/programs-and-resources/Protocols-for-using-First-Nations-Cultural-and-Intellectual-Property-in-the-Arts/)

**Contact Arts Queensland:**

Phone: (07) 4047 4905

Toll free: 1800 175 531

Email: [Danelle.Nicol@arts.qld.gov.au](mailto:Danelle.Nicol@arts.qld.gov.au)

**Translating and interpreting services**

You may submit applications in any language. If you have difficulty understanding this information and you would like to talk to staff in your first language:

* telephone the Translating and Interpreting service on 13 14 50 during business hours.
* contact Arts Queensland about speaking with an interpreter.