



Australian Government

Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts

# Frequently asked questions: First Nations Expert Working Group on ICIP

September 2024

This document includes information about the role of the First Nations Expert Working Group on Indigenous Cultural and Intellectual Property, the requirements for applying to join the Expert Working Group, and the process for applying through AusTender.

**Applications to join the Expert Working Group close at 2 pm (AEST) Friday 20 September 2024.**

**Please note that the Question Closing Date has passed and the department is no longer able to answer questions.** You may however find useful information in this document or at [www.arts.gov.au/icip](http://www.arts.gov.au/icip). If you didn't make our information session on 6 September, you can also [watch a recording](#) on our YouTube channel.

You may find it useful to download the Approach to Market (ATM) document from AusTender before reading on. For instructions on how to access this document, jump to the [Where can I find the AusTender Approach to Market and related documentation?](#) FAQ on page 4 of this document.

## Who is the Office for the Arts?

The Office for the Arts is part of the Department of Infrastructure, Transport, Regional Development, Communication and the Arts.

We support participation in, and access to, Australia's arts and culture through developing and supporting cultural expression. Through our analysis, advice and programs we aim to make cultural experiences better for everyone, including the creative workforce behind the arts, entertainment and cultural sector.

The Office for the Arts is leading the Australian Government's work to develop stand-alone legislation to protect Indigenous Cultural and Intellectual Property, working closely with other Commonwealth departments including the National Indigenous Australians Agency, IP Australia, and the Attorney-General's Department.

## What is ICIP?

'Indigenous Cultural and Intellectual Property' is a broad term which is used to refer to the rights Aboriginal and Torres Strait Islander people have to their heritage and culture. Indigenous Cultural and Intellectual Property includes knowledge, songlines, language, dance, symbols and art as well as medicines, language, bush foods, sacred sites and ecological knowledge.

## What is the purpose of the First Nations Expert Working Group?

The Australian Government has committed to introducing stand-alone legislation to protect First Nations traditional knowledge and cultural expressions through a First Nations-led process.

To ensure the process is First Nations-led, in addition to ongoing community consultation, the Australian Government is funding the establishment of a partnership between the Australian Government and Aboriginal and Torres Strait Islander people.

The main role of the First Nations Expert Working Group will be to provide strategic advice on the development of the stand-alone legislation, and to address the harm associated with fake art, souvenirs and merchandise.

## Am I the right candidate?

The First Nations Expert Working Group on ICIP will consist of up to 7 members and a Chair who are of Aboriginal and Torres Strait Islander descent, identify as such and are accepted by their communities.

Part of the Evaluation Criteria includes the extent to which a Response demonstrates that you can meet the Requirement. Applicants must demonstrate in no more than one (1) page that they have **at least one** of the following Selection Criteria:

1. knowledge and expertise in relation to Indigenous Cultural and Intellectual Property; or
2. lived experience in relation to Indigenous Cultural and Intellectual Property, including an understanding of the current issues faced by Aboriginal or Torres Strait Islander people in this space; or
3. a proven ability to engage with a range of stakeholders and represent the views of Aboriginal and Torres Strait Islander peoples.

## Do I have to be Aboriginal or Torres Strait Islander to apply?

If you are applying as an individual, you must be of Aboriginal and/or Torres Strait Islander descent.

Non-Indigenous businesses/organisations can also apply, but the individual/s they nominate to be on the Expert Working Group must be Aboriginal and/or Torres Strait Islander.

## How can I prove my Aboriginal or Torres Strait Islander heritage?

You can provide satisfactory evidence confirming your Aboriginal and/or Torres Strait Islander heritage with your application. Evidence can be in the form of either:

- confirmation from an incorporated Aboriginal or Torres Strait Islander community organisation or association, or
- a statutory declaration from an Aboriginal and/or Torres Strait Islander person who can provide confirmation of your identity and acceptance within their community.

## Will there be gender diversity on the Expert Working Group?

Diversity on the First Nations Expert Working Group is important to achieve the best results. We are seeking a range of gender and geographic diversity among the members, as well as a mix of different skills and experience. These factors will be considered when assessing applicants, but will also depend on who applies.

## How much work is anticipated?

The development of stand-alone legislation will require substantial consideration of complex matters during a member's term of 2 to 3 years. There will likely be peak periods of activity, and the commitment will also involve interstate travel. We have estimated a workload of at least 5 formal meetings (guaranteed) each year, with timing dependent on priorities and business needs.

## Will I be paid?

Yes.

Service fees have been based on the Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination (No. 2) 2023, noting that the Expert Working Group does not come under the jurisdiction of the Remuneration Tribunal. Members will be paid a daily fee of up to:

- a) \$595 (GST inclusive) in the case of the Chairperson, and
- b) \$448 (GST inclusive) in the case of a member that is not the Chairperson.

For the purpose of above, all relevant preparation, attendance and follow up related to a meeting day is included in the total daily fee.

Refer to page 6 of the ATM document for how payments will be calculated.

## Will I need to pay tax on the payments, and will superannuation also be paid?

Where we contract directly with you, you would be considered an independent contractor.

If you don't have an ABN, tax may need to be withheld from your payment. It is also likely that you would also be paid superannuation payments. Further advice will be provided to the successful applicants.

If you are engaged through a third party (e.g. a labour hire company), tax would not be withheld, and additional superannuation would not be paid as different rules apply.

## Will I have to travel, and will this be covered by the Office for the Arts?

It is likely that much of the work you do will be able to be done either at your home or in your office.

However, some travel may be required for attendance at certain meetings, which will be determined by the Office for the Arts. Where this is the case, all travel will be organised and paid for by the Office for the Arts.

Refer to page 6 of the ATM document for information about travel expenses.

## Why is this a procurement?

The First Nations Expert Working Group is being managed as a procurement instead of a typical recruitment opportunity to ensure an open and transparent process for engaging members.

This means it's being run through AusTender as an 'open Approach to Market'. This is the Government's way of notifying the public of an opportunity to participate in a procurement.

## What is an Approach to Market document?

The ATM document, which you will download from AusTender, consists of 2 parts:

1. An **Approach to Market – Statement of Requirement** (pages 1-21) includes all the requirements for the positions we are looking to fill, including requirements, expectations and contracting obligations.
2. The **Response to the Approach to Market** (page 22 onwards) is your application where you will provide all relevant information to support the requirements.

Make sure to also read the 'Instructions for potential supplier' on pages 20-21.

## Where can I find the AusTender Approach to Market and related documentation?

All the information you need to apply for the Expert Working Group is available on [AusTender](#) (ATM ID 10029826).

Once you have an AusTender log in (see below for instructions), you can download the Approach to Market and other related documents.

## How do I apply?

While tender processes can look complicated, this one is really simple.

If you don't already have one, you will need to set up an AusTender account.

- Go to: [www.tenders.gov.au/RegisteredUser/Register](http://www.tenders.gov.au/RegisteredUser/Register)
- Complete the mandatory questions in the online form and set your password.
  - Once completed, AusTender will send you an email to confirm your registration.

You can now download the Approach to Market (ATM) documents by going to the Expert Working Group [AusTender page](#) and clicking on the orange button labelled 'ATM Documents' (bottom left).

The first document titled 'First Nations expert working group on Indigenous Cultural and Intellectual Property' is the ATM. Pages 1-21 of this document set out the Statement of Requirement and relevant information about the opportunity and process.

The rest of the document will be your Response to the Approach to Market.

## How do I complete the ATM response?

Starting at page 22, Complete the **Response to Approach for Market**, making sure you include all the required information, and that you meet the eligibility criteria as set out on page 2 of the ATM (Conditions for Participation).

Some of the key sections to pay particular attention to include:

Part 1 (page 22): Suppliers details

Part 2 (page 26): Provide a short statement about how you meet the conditions for participation (eligibility), confirming you are of Aboriginal and/or Torres Strait Islander heritage.

Part 3 (page 27): Response to Selection Criteria. Provide a one page pitch on how you meet the selection criteria. This is your opportunity to tell us about your ability to meet the requirements of the role as per the selection criteria in the grey box at the top of this page (Drafting Note 3.1).

This is your chance to persuade the evaluation team that you understand the requirements and that you can deliver to a high standard.

Part 4 (page 28): Potential Supplier's Demonstrated Capability and Capacity.

- 4.1 Confirm you have attached a current resume (CV). Your CV should outline your work experience and will be uploaded as an attachment at the lodgement stage of the process.
- 4.2 Nominate whether you want to represent as the Chair or a committee member or either one, in which case you would tick 'both'.
- 4.2 Confirm whether you have included attached satisfactory evidence confirming your Aboriginal and/or Torres Strait Islander heritage.
- 4.4 Conflicts of Interest. If you have any known conflicts of interest you can complete the details now, however, this will be revisited if you are successful.
- 4.5 Referees. Provide the details of two referees who can attest to your capacity to meet the requirements.

## What documentation will I need to include in my application:

You will need to lodge your application within AusTender and upload the following:

- Response to the Approach to Market.
- Current CV.
- Satisfactory evidence confirming your Aboriginal and/or Torres Strait Islander heritage, this can be in the form of either:
  - a letter of confirmation from an incorporated Aboriginal or Torres Strait Islander community organisation or association; or
  - a statutory declaration from an Aboriginal and/or Torres Strait Islander person who can provide confirmation of your identity and acceptance within their community.

## How do I upload my application?

When you're ready to submit your application, log in to AusTender, and from the [First Nations Expert Working Group page](#), click on the orange button labelled 'Lodgement Page'.

Upload the individual documents that that make up your application:

- Response to the Approach to Market
- CV
- Satisfactory evidence of Aboriginal and/or Torres Strait Islander Heritage.

Submit your application no later than 2:00pm AEST Friday 20 September 2024. Acceptable file formats are PDF (.pdf) and Microsoft Word (.docx).

To learn more about the expert working group and how to apply, watch a [recording of the information session](#). To learn more about the opportunity, visit [www.arts.gov.au/icip-expert-group](http://www.arts.gov.au/icip-expert-group).

## How will my application be assessed?

Once applications close, a panel of 3 First Nations members from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts will review the responses (applications).

An assessment of each response will be conducted in accordance with the Evaluation Criteria and Process set out in A.C.3 of the ATM.

You must meet the eligibility requirements to be considered, as per the Conditions for Participation (page 2 of the ATM).

## **What are the next steps?**

Depending on the number of responses received, shortlisting may occur. Interviews with applicants and referee checks may be conducted as necessary.

Suitable applicants will be contacted to advise next steps. Unsuccessful applicants will be advised by email and debriefings will be given if requested.