

# Indigenous Visual Arts Industry SupportProgram Guidelines

## CONTACT DETAILS

If you have any questions regarding the Indigenous Visual Arts Industry Support program, or if you require a hard copy of these guidelines, please:

visit www.arts.gov.au/indigenous/ivais

email ivais@arts.gov.au

phone 1800 006 992.

## SECTION 1: Introduction

### Context

The Ministry for the Arts develops and administers Australian Government programs and policies that encourage excellence in art, support our cultural heritage and provide access to arts and culture. This enables artists and organisations to shape our cultural landscape, increase cultural diversity, and inspire, educate and entertain audiences nationally and internationally.

Our Indigenous programs promote the sharing of language and culture between generations and the ongoing viability of Indigenous-owned enterprises. They enrich the social, cultural and economic life of Indigenous communities and provide opportunities for Aboriginal and Torres Strait Islander peoples to generate income, gain employment, develop professional skills and participate in the nation’s economy, while maintaining a continued connection to country and culture.

This results in outcomes that align closely with the Australian Government’s priorities of improving the lives of Aboriginal and Torres Strait Islander peoples and making sure all Australians have access to the same opportunities.

### Indigenous Visual Arts Industry Support

Australian Indigenous visual art is internationally recognised and sought after for its quality, innovation and cultural richness. The Australian Government is committed to investing in our Indigenous visual arts industry so that it is developed and strengthened for future generations.

#### 2.1 Art Centre operational funding

The IVAIS program provides base operational support to a network of around 80 Indigenous‑owned art centres as well as a number of marketing events, regional hubs and industry service organisations across Australia. This network provides professional opportunities for over 7,000 Aboriginal and Torres Strait Islander visual artists and around 300 Aboriginal and Torres Strait Islander arts workers, most living in remote or very remote communities.

Some of Australia’s most dynamic visual art is produced in Indigenous-owned art centres. These centres provide the infrastructure and relationships that allow artists to create new art, generate income, develop professional skills and connect to the commercial art market through partnerships with dealers and galleries, online sales and marketing strategies.

As community-owned organisations, art centres are responsive to local needs. While their primary purpose is to enable to production, development and marketing of visual art, they also play an important role in enhancing social cohesion, promoting respect for traditional knowledge, ensuring the transmission of culture, and providing leadership opportunities for Aboriginal and Torres Strait Islander peoples.

Art centres use IVAIS funding to support core operations and as a platform from which to generate income from art sales, with many able to leverage further support, including philanthropy, in order to sustain their operations. Most art centres have been funded through the IVAIS program for many years, with several continuously funded for more than 15 years.

#### 2.2 Arts worker employment funding

The IVAIS program now provides funding for the employment of Aboriginal and Torres Strait Islander arts workers in art centres. Arts workers typically support the day-to-day functions of an art centre including, but not limited to, administrative assistance, studio technical assistance, artist support, art centre maintenance and community liaison.

Funding for arts worker positions is in high demand, with a growing waiting list. If you have an arts worker position that is vacant for a period of three months or more, and you cannot make a sufficient case for the retention of the position, we will reallocate the funding to an organisation on the waiting list, to ensure a more even distribution of arts worker funding.

#### 2.3 The Indigenous Art Centre Plan

The IVAIS program is underpinned by the Indigenous Art Centre Plan that provides a co-operative framework for stakeholders to work together to strengthen the Indigenous visual arts industry. The Plan is available at: www.arts.gov.au/indigenous/ivais.

#### 2.4 The Indigenous Art Code

The Indigenous Art Code is a voluntary industry-led code of conduct that guides ethical trade in the industry. Organisations funded through the IVAIS program are expected to abide by the Code and are encouraged to take up membership of the Code.
Further information is available at: www.indigenousartcode.org.

### Outcomes and objectives

#### 3.1 Outcomes

The outcomes supported by the IVAIS program are:

* a professional, viable and ethical Indigenous visual arts industry that features strong participation by Aboriginal and Torres Strait Islander people
* the continued exhibition, critique, purchase and collection of Indigenous visual art nationally and internationally.

#### 3.2 Objectives

We will achieve these outcomes by:

* providing base operational support for Indigenous-owned art centres, arts hubs and industry service organisations that provide professional support to Aboriginal and Torres Strait Islander artists in the production, promotion and marketing of their art
* providing opportunities for Aboriginal and Torres Strait Islander artists to develop, extend, market and generate income from their professional art practice
* providing employment and economic opportunities in the visual arts industry for Aboriginal and Torres Strait Islander people, particularly in remote communities
* providing opportunities for art centre staff, artists and board members to develop professional skills and gain experience
* supporting the delivery of professional services by industry service organisations
* supporting the delivery of regional marketing events.

#### 3.3 Indicators for this program

To help us assess trends and determine program outcomes, we will collect the following information from funded organisations:

* number of Aboriginal and Torres Strait Islander
	+ artists engaged in professional art practice
	+ artists provided with visual art services
	+ people employed
* value of art sales
* demonstrated participation in exhibitions and marketing events
* demonstrated provision of professional development and training opportunities for artists, staff and board members
* demonstrated financial viability and administrative stability.

## SECTION 2: Allocation of funding

### Funding process

Funding under the IVAIS program is primarily delivered through targeted allocation to organisations that best contribute to achieving the program objectives and have a history of high-level performance, with priority given to organisations have received IVAIS funding previously.

If you have been funded through the IVAIS program to deliver an ongoing activity and your contract is due to expire at the end of the financial year, the IVAIS team will contact you prior to this date to discuss future funding.

On the basis of these conversations, we will make funding recommendations to the Minister for the Arts, or the Minister’s delegate, who will make the final funding decision based on this advice and in the context of the total available program budget.

Prior to receiving funding you must demonstrate your organisation’s continuing stability and capacity by providing us with a strategic plan, budget and staffing structure. We will provide templates as needed.

#### 4.1 Demand-driven funding process

On occasion, one-off funding may be available under the program to meet a specific policy outcome or an urgent or specialised need. In these instances we may use demand-driven processes where proposals can be submitted by organisations at any time and will be assessed individually on a value for money basis against the objectives and eligibility criteria, and within the available program budget.

If you have not received funding under the IVAIS program, but believe that your organisation meets the eligibility criteria below, please contact the IVAIS team at ivais@arts.gov.au to discuss your proposal.

Alternatively, you may be eligible for funding through the Indigenous Languages and Arts program. For information on the Indigenous Languages and Arts program, including program guidelines, please visit www.arts.gov.au/indigenous.

The Ministry for the Arts administers a number of other funding programs and initiatives that may support Indigenous visual arts activities from time to time, including Catalyst – Australian Arts and Culture Fund. You can find out more about these opportunities here: www.arts.gov.au/funding.

### Eligibility criteria

#### 5.1 For organisations

To be eligible to receive IVAIS program funding, you must:

* support professional Aboriginal and Torres Strait Islander artists in the production, promotion and marketing of their art
* have the expertise, as well as the governance, financial management and business planning capacity, to deliver a professional visual art program
* be a separate legal entity, such as an incorporated association or a company
* have an Australian Business Number
* be registered for the Goods and Services Tax, if required by the Australian Tax Office
* have no overdue acquittals or serious breaches relating to any Australian Government funding. A serious breach is one that has resulted in, or warrants, the termination of a funding agreement.

Priority will be given to organisations that have previously received IVAIS funding.

Funding recipients are encouraged to register under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. For further information contact the Office for the Registrar of Indigenous Corporations, or visit: www.oric.gov.au.

#### 5.2 For activities

Activities funded under the IVAIS program must:

* support the operations of an Indigenous art centre or demonstrate a contribution to strengthening the Indigenous visual arts industry
* support Aboriginal and Torres Strait Islander participation and employment in the visual arts industry.

In order to ensure that the program achieves value for public money, activities must also:

* respond to a demonstrated need for funding
* represent efficient, effective, economical and ethical use of public resources
* provide overall public benefit.

Funding is not available for activities that:

* are primarily focussed on community development or cultural maintenance
* involve the re-granting of funds to other groups or organisations, without prior written agreement from the Ministry for the Arts
* are to be undertaken by an individual
* will occur outside Australia
* have commenced prior to the execution of a funding agreement
* are the primary responsibility of other Australian, State or Territory Government programs (refer to www.business.gov.au/grants-and-assistance/grant-finder/ for information about other government funding).

While eligible for support through the IVAIS program, project-based and capital works activities are of lower priority in the context of consistently high demand for operational funding.

These eligibility criteria are subject to change, based on Australian Government policy. You will be advised of any changes to the IVAIS program.

## SECTION 3: Management of funding

### Funding agreement

If you are offered funding under the IVAIS program you will be required to enter into a funding agreement with the Australian Government. The funding agreement will set out the nature of the relationship between your organisation and the Australian Government.

We will determine the duration of your contract based on your past performance, delivery against contract milestones, financial viability and administrative stability. We are committed to providing stability for funded organisations where possible, therefore a high proportion of IVAIS funding will be committed through multi-year contracts.

Standard terms and conditions of Australian Government funding, as well as draft funding agreements, are available at www.arts.gov.au/indigenous/ivais.

#### 6.1 Payments

The funding agreement will include an agreed payment schedule. This will usually be on a
six-monthly basis. The first milestone payment will be processed once we sign the funding agreement, and once you provide us with your organisation’s bank details.

We must receive and accept reports, plans and budgets as set out in the funding agreement before subsequent milestone payments will be made. Payments will not be processed where the recipient has a breach or overdue acquittal relating to previous funding.

### Conditions of funding

#### 7.1 Reporting requirements

Reporting on Australian Government-funded activities ensures that funding is used for the intended purpose and that the Government can fully account for all funds. You will be required to provide reports, plans and budgets to us, as specified in the funding agreement, including a strategic plan and budget and reports on the progress of the activity against both the agreed objectives and the approved budget.

You may also be required to provide information to us for inclusion in government publications and on government websites, including the Ministry for the Arts website.

#### 7.2 Acquittal and evaluation

We will assess your project to ensure it is achieving its stated outcomes. We may source a range of data and information on outcomes to inform our judgement. Where projects are not delivering outcomes, we may consider reducing or redirecting funding, or ceasing the funding.

At the end of the funding period, you will be required to acquit all funding. This may include statutory declarations, independently audited financial statements or other financial information, as outlined in the funding agreement. The acquittal is normally required within 60 business days of the conclusion of the activity. You will be provided with templates as needed.

You may also be required to provide information about your activity to inform our evaluation of the program.

#### 7.3 Acknowledgement of funding

You will be required to acknowledge the Australian Government’s support for any activities that have been made possible as a result of IVAIS funding through use of the IVAIS program logo and/or the below text on relevant material, including but not limited to websites, promotional materials, exhibition invitations and exhibition signage:

*Supported through the Australian Government’s Indigenous Visual Arts Industry Support program.*

Program logos can be found at [www.arts.gov.au/indigenous/logos](http://arts.gov.au/indigenous/logos).

#### 7.4 Record keeping

You must keep relevant records that demonstrate the performance of the activity in meeting its objectives and performance indicators.

#### 7.5 Variations

Variations to approved activities, or significant variations to approved budgets, require prior written approval from the Ministry for the Arts.

#### 7.6 Arts worker employment

Arts worker funding must not be used to employ artists for the purpose of creating artworks. However, artists may be employed as arts workers to undertake the types of duties outlined above during designated work hours. Arts worker funding cannot be used to support sitting fees or travel by Board members.

In delivering arts worker funding directly through the IVAIS program, we are aiming for flexibility that takes into account the realities of living and working in remote communities. You can design a staff structure that best meets your needs, and within your arts worker budget you may wish to offer
full-time, part-time or casual positions, or offer higher salary levels to higher-performing, more experienced arts workers. You will need to allocate 8-10 per cent of your arts worker funding towards training and professional development activities.

In filling new positions, you should run a merit-based selection process with positions formalised through a contract. You must confirm that contracts are in place as part of your reporting to us.

When negotiating working arrangements, employees and employers have rights and obligations under the Australian Government’s national workplace relations system.

The *National Employment Standards* (NES) are minimum standards that cannot be overridden by the terms of enterprise agreements or Awards. The NES set out 10 minimum standards of employment which apply to all employees in the national system, regardless of any industrial instrument or contract of employment. You are also required to abide by minimum pay scales and to make provision for on-costs such as superannuation, workers compensation and leave entitlements.

The NES can be found here: www.fairwork.gov.au/employee-entitlements/national-employment-standards.

#### 7.7 Taxation

Depending on your organisation’s circumstances, there may be tax consequences arising from receipt of Australian Government funding. You should be aware that, unless exempt from income tax, funding provided under this program is assessable income in relation to carrying on a business.

You are required to deduct tax from employees’ pay, and this must be recorded on the employee’s payslip and in their time and wages records. You may also be required to pay fringe benefits tax and make superannuation contributions to a complying fund or pay the superannuation guarantee charge to the Australian Tax Office in respect of any employees.

You should seek advice about the tax consequences (including GST) of this grant from your financial adviser or the Australian Tax Office at www.ato.gov.au or by calling 13 28 66.

#### 7.8 Conflict of interest

A conflict of interest arises where a person makes a decision or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interests (financial or non-financial) or material personal associations.

Where there is a potential conflict of interest associated with a funded activity, you must disclose this to us and provide a statement outlining how the conflict will be managed. You must undertake activities in a way that avoids conflict of interest, whether perceived or actual. This applies particularly to the selection of suppliers who should be chosen and engaged through an open and competitive process and in a way that maximises value for money.

The Ministry for the Arts has appropriate internal mechanisms in place for identifying and managing potential or actual conflicts of interest, including requiring staff to sign conflict of interest declarations.

#### 7.9 Privacy

All personal information collected by the department for the purpose of the program is collected in accordance with the *Privacy Act 1988*. The department collects personal information about funding recipients for the purpose of delivering and administering the program. It will publish the names of recipients on its website or in its publications. Contact details of recipients will be made available to the Minister for the Arts and other Members of Parliament. The department will not otherwise disclose or publish a recipient’s personal information without the recipient’s consent to do so, unless required or authorised by law.

Information about the *Privacy Act* can be found at www.aoic.gov.au.

### Complaints process

We regard complaints as a way of both assessing and improving our performance. We will endeavour, where possible, to ensure that complaints are resolved promptly, fairly, confidentially and satisfactorily, and that our procedures are improved as a result.

Complaints regarding the IVAIS program should first be made in writing to:

Assistant Secretary, Creative Industries
Department of Communications and the Arts
GPO Box 2154, Canberra ACT 2601
or by email to ivais@arts.gov.au.

If you are not satisfied with the response, please contact the department’s Client Service Manager:

Client Engagement and FOI
GPO Box 2154, Canberra ACT 2601
Telephone: 02 6271 1000
Facsimile: 02 6271 1901
Email: clientservice@communications.gov.au.