

## REGIONAL ARTS FUND - ELIGIBILITY NOTES

### Helpful websites

**ABN Lookup:** <https://abr.business.gov.au/>

**ASIC Connect Register:** <https://connectonline.asic.gov.au/>

**Office of the Registrar of Indigenous Corporations (ORIC):** <https://www.oric.gov.au/>

## ELIGIBLE ENTITY TYPES UNDER RAF

### Individuals

- Individual applicants should use their personal name for the RAF application and if successful, will be individually party to the funding agreement.
- The ABN Lookup register would list the entity type as 'Individual/Sole Trader'.
- The ABN 'main business location' should match the postcode of the applicant's address provided.

### Australian Incorporated Organisation

An incorporated organisation is a legal entity separate from its individual members. Incorporated organisations include the following:

### Incorporated associations

- Not-for-profit community associations incorporated under state or territory legislation.
- Incorporated associations must, by law, have the words 'Incorporated' or 'Inc.' in their name.

Applicants can confirm if they are an incorporated association by searching the ASIC Connect Register, where the entity type will be listed as an 'Associations'.

Note, the ABN Lookup does not provide the necessary proof.

### Companies limited by Guarantee (CLG's)

- CLGs are registered with ASIC under the *Corporations Act 2001 (Cth)* and may also be registered as charities with the Australian Charities and Not-for-profits Commission. CLGs must, by law, use the words 'Limited' or 'Ltd' in their name, although may be exempt from doing so in limited circumstances.
- Eligibility can be confirmed as a CLG by searching the ASIC Connect Register. CLGs will be listed as an 'Australian Public Company, Limited By Guarantee'. Note, the ABN Lookup does not provide the necessary proof.
- Additionally, entities with a 'Pty Ltd' in their name (rather than just a 'Ltd') are not CLGs but are private proprietary limited companies that are not eligible for RAF funding.

## Cooperatives

- Registered under state or territory legislation.
- Cooperatives are set up and run for the mutual benefit of members (for example, a community childcare cooperative).
- Cooperatives must have the words 'Co-operative' or 'Co-op', and 'Limited' or 'Ltd' in their name and are listed as a 'Co-operative' on ABN Lookup.

## Indigenous Corporations

- Aboriginal and/or Torres Strait Islander controlled organisations registered with the Office of the Registrar of Indigenous Corporations (ORIC) under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.
- Indigenous corporations registered with ORIC must have 'Aboriginal corporation', 'Torres Strait Islander corporation', or 'Indigenous corporation' in their name.
- Applicants and RPAs can consult the ORIC register to confirm an applicant's status as a registered Indigenous corporation. Note that not all Indigenous controlled organisations are registered with ORIC. They may instead be (eligible) incorporated associations, CLGs or cooperatives, or (ineligible) for profit companies, but will be identifiable from the naming requirements of that entity type. Note, the ABN Lookup does not provide the necessary proof.

## Local Government Organisations

- Local government organisations are established under the relevant state and territory Local Government Acts to provide local and municipal and community services.
- ABN Lookup will define the entity type as a Local Government Entity.

## Auspicing

- An eligible entity may auspice applications for ineligible organisations (for example unincorporated groups).
- The RAF Guidelines require applications from individuals under the age of 18 to only be auspicied by individuals over the age of 18 with an ABN. It is not possible for eligible *entities* to auspice an individual.

## Trust and Partnerships

- Trusts and partnerships are not eligible under the RAF Guidelines. Trusts are not incorporated organisations with their own legal identity and are not able to contract in their own name.
- Similarly, partnerships are not incorporated organisations. Partnerships do not have their own distinct legal identity and are not able to contract in their own name.

Please note, this information is provided as a guide only and does not constitute legal advice. Any questions regarding the provided information should be referred to the Regional Program Administrators or Regional Arts Australia.