



Our reference: Insert InfoStore/CRM Reference  
Contact: Insert your Name  
Telephone: 4732 7777

24 07 2025

Title First Name Surname

Address Line 1

Address Line 2

Address Line 3

SUBURB STATE POSTCODE

Sent by email: [Email address of recipient]

Dear Title Surname

### **Letter of Offer**

**[Insert grant name], Application number [Insert number]**

I am pleased to advise that [Insert applicant name] has been successful in their application for [Insert activity name] for the [Insert grant name] [Insert financial year].

To accept this grant of [Insert amount] please complete, sign and return the acceptance slip on the following page.

Council standard payment terms are 30 days from funding approval subject to all paperwork being filled out correctly and EFTSURE performing a mandatory check with you (or your organisation) to confirm your registration with Council as a supplier. Remittance advice will be e-mailed to the e-mail address provided when the payment has been made.

If you have any questions about this matter, please contact [team name] on 4732 7777 or [team email].

Yours sincerely

Penrith City Council  
PO Box 60, Penrith  
NSW 2751 Australia  
T 4732 7777  
F 4732 7958  
penrith.city

Marcella Kelshaw  
**Head of City Activation, Community and Place**

Attachments:

1. Acceptance slip – [Insert grant name]
2. Expectations of Successful Applicants

---

Acceptance slip

[Insert grant name] [Insert financial year], Application number [Insert number]

Funding amount: [Insert amount]

Instructions: To accept this [Insert grant name] please complete this acceptance slip and return it to [Insert email] within 14 days of the date of this letter.

By completing this acceptance slip, the recipient acknowledges that:

- the funding will only be used for the purpose as described in the recipient's application unless otherwise agreed by Council in writing.
- all funds must be expended within 12 months of signing this acceptance slip.
- acquittals must be submitted within 4 weeks of the completion of the activity or event.
- information contained in the recipient's application for the funding is and remains correct and up to date.
- any outstanding insurance, licences and/or approvals must be obtained before delivering the activity or event.
- the recipient will comply with the Expectations of Successful Applicants (as attached), the [Insert grant name] Grant Guidelines and the Community Funding Program Policy.
- if any of the above conditions are not complied with, Council may in its absolute discretion require the recipient to immediately repay the funding (or portion of funding that is not spent on the funded purpose).
- Council's contribution is limited to the amount stated in this funding agreement. All other costs associated with the activity or event are to be paid by the recipient.

[If required] Individual funding conditions:

**1. INTELLECTUAL PROPERTY**

- 1.1 The Artist warrants that any work produced in the performance of this Agreement:
  - Is the Artist's original work;
  - does not to the best of the Artist's knowledge infringe the copyright, Intellectual Property Rights or Moral Rights of any third party; and

- are unique works of the Artist developed exclusively under this Agreement.
- 1.2 The parties agree that the Artist retains the copyright in the original work under this Agreement.
  - 1.3 The Artist grants to Council an unrestricted, non-exclusive, irrevocable and transferrable (in whole or in part) royalty free licence, and right to sub-licence, to use any work that the Artist creates or is required to provide under this Agreement.
  - 1.4 The Artist will prominently acknowledge and attribute sources in the production of the work.
  - 1.5 This Clause will survive termination (for whatever reason) of this Agreement.
  - 1.6 The Artist must only utilise the inputs into their creative process for the purpose for which they were provided.

Name of successful recipient \_\_\_\_\_  
ABN of successful recipient or auspice (if applicable) \_\_\_\_\_

Name of signatory \_\_\_\_\_  
Position of signatory \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

Penrith City Council  
PO Box 60, Penrith  
NSW 2751 Australia  
T 4732 7777  
F 4732 7958  
penrith.city

## Expectations of Successful Applicants

### Engage Ethically with the Community

If the funded project involves working with the community, the Artist is expected to engage ethically. This means obtaining informed consent, respecting confidentiality, providing fair recognition and adhering to cultural protocols, including those in relation to Indigenous Cultural and Intellectual Property (ICIP).

ICIP protocols for Arts Projects in Penrith are provided as **Attachment 1**.

More information can be found <https://creative.gov.au/investment-and-development/protocols-and-resources/protocols-for-using-first-nations-cultural-and-intellectual-property-in-the-arts/>

### Changes to your Activity or Event

Council appreciates that sometimes there is variance from the proposed activity or event. Considerable changes to scope and budget must be negotiated with Council and confirmed in writing, prior to implementation. All changes must be reflected in your Acquittal Form. Failure to notify Council before repurposing funds may impact processing your acquittal and future funding applications with Council.

### Recognising Council's Contribution

Funding recipients cannot use Council's logo in promotional material unless they have prior approval in writing from Penrith City Council. Recognising Council's contribution is recommended but not required.

### Acquittals and Future Funding Applications

An acquittal form will be made available through the SmartyGrants portal. All funds must be expended within 12 months of signature of this funding agreement. Acquittals must be submitted within 4 weeks of the completion of the activity or event.

Overdue progress or acquittal reports as well as outstanding debts with Penrith City Council will impede future applications for funding.

An acquittal form template for your grant can be found on Council's website so you can see what is expected.

# Attachment 1: Protocol for working with First Nations cultural content (or ICIP) in arts projects in Penrith

## 1. Introduction

The inclusion of First Nations perspectives in art projects are a compelling way to connect with the heritage, stories and culture of a place. It is important that these projects are developed meaningfully and respectfully, by working with First Nations people and abiding by principles to protect their cultural heritage and knowledge.

'Indigenous Cultural and Intellectual Property' or 'ICIP' refers to the unique and collective knowledge, cultural expressions, and traditional practices that are rooted in the heritage, identity, and world view of First Nations peoples. This includes designs and symbols, cultural objects, songs, ceremonies, stories and language. First Nations peoples have the right to control their own culture and how it is represented. This is referred to as 'ICIP rights'.

## 2. Indigenous Cultural and Intellectual Property (ICIP)

Penrith City Council is guided by the ten principles for respecting Indigenous Cultural and Intellectual Property (ICIP) when working with First Nations cultural heritage.

Principle	Description
<b>Respect</b>	The rights of Indigenous people and communities to own, protect, maintain, control and benefit from their cultural heritage should be respected.
<b>Self-determination</b>	Indigenous people have the right to self-determination and to be empowered in decisions that affect their arts and cultural affairs.
<b>Communication, consultation and consent</b>	Indigenous people have the right to be consulted and give their free prior informed consent for the use of their cultural heritage.
<b>Interpretation</b>	Indigenous people have the right to be recognised and represented as the primary guardians and interpreters of their cultural heritage.
<b>Cultural integrity and authenticity</b>	Maintaining the integrity of cultural heritage is vital to the continued practice of culture.

<b>Secrecy and confidentiality</b>	Indigenous people have the right to keep secret and sacred their cultural heritage. Confidentiality concerning aspects of Indigenous peoples' personal and cultural affairs should also be respected.
<b>Attribution</b>	Indigenous people have the right to be respectfully acknowledged and attributed as the traditional owners and custodians of their cultural heritage.
<b>Benefit sharing</b>	Indigenous people and communities have the right to benefit from their contribution and for the sharing of their cultural heritage, particularly if commercially applied.
<b>Continuing cultures</b>	Indigenous cultures are dynamic and evolving, and the protocols within each group and community will also change. Consultation and free prior informed consent are ongoing processes.
<b>Recognition and protection</b>	Indigenous people have the right to protection of their cultural heritage and intellectual property rights in that cultural heritage. Laws, policies and contracts should be developed and implemented to respect these rights.

Source: Creative Australia 2019, Protocols for using First Nations Cultural and Intellectual Property in the Arts.

### 3. Applying ICIP Protocols in an Arts Project

- Identify the Elders that have cultural authority on Country where your project is being delivered. Elders are recognised by their communities as having valuable knowledge and wisdom about their Country, community and history. They are often nominated spokespeople for the community.
  - Penrith LGA is located on Darug (or 'Dharug') Country, with the Gundungara people being custodians of land towards the Blue Mountains.
- Local Aboriginal organisations may assist with an introduction to local Darug Elders and artists who will be happy to contribute:
  - Darug Custodian Aboriginal Corporation (DCAC) ph: 0415 770 163 e: [info@darugcorporation.com.au](mailto:info@darugcorporation.com.au)
  - Dharug Strategic Management Group (DSMG) ph: 0416 10 10 14 e: [admin@dsmg.org.au](mailto:admin@dsmg.org.au)
  - Dharug Ngurra Aboriginal Corporation ph: 9622 4081
  - Muru Mittigar ph: 47 300 400 e: [info@murumittigar.com.au](mailto:info@murumittigar.com.au)

Penrith City Council  
PO Box 60, Penrith  
NSW 2751 Australia  
T 4732 7777  
F 4732 7958  
[penrith.city](http://penrith.city)

- Brief the Elders on the proposed public art project. Highlight the risks and benefits of the project. Seek permission to work with community and to use cultural content / ICIP. Allow for open dialogue to present solutions that satisfy the Elders, Country and the project scope. Be prepared to reconsider the project idea if permission is not given.
- With Elder's permission, consult with community about cultural content – stories, knowledge – that they are willing to share, and which can be available for public viewing.
- Consultation should be undertaken within the timeframes set by the Elders. Adequate time for consultation and consultation fees should be set out in the timeline and budget of the project.
- Ensure that the Elders have given their 'Free, Prior Informed Consent' or 'FPIC' – that the cultural content can be shared with the non-Aboriginal community in the project. It is vital that consent is given before the project commences – not during, not after – and that the Elders understand the implications of consent.
- Consent should be formalised in written agreements – contracts, letters of support – with the option to revoke consent if consent conditions are breached.
- Continue consultation with the Elders for the life of the project. For example, checking back with Elders to make sure that interpretations of the cultural content / ICIP that was shared with you are appropriate.
- The relevant language groups or communities should be attributed in the project for use of their ICIP. It is also appropriate to acknowledge individual Elders and storytellers for their role in the development of the project. It is appropriate to ask how they wish to be attributed (and check wording and spelling of names) when you seek their FPIC.
- First Nations people should share in the benefits and receive proper returns for use of their ICIP. Elders (proposed fee in 2025 is \$150ph) and other community members should be remunerated.

#### Sources:

Bibi Barba, Policy Lead, Aboriginal Strategy & Engagement, Create Infrastructure, presentation to the Public Art Working Group, 9 August 2024.

Australia Council for the Arts 2019, Protocols for using First Nations Cultural and Intellectual Property in the Arts. <https://creative.gov.au/investment-and-development/protocols-and-resources/protocols-for-using-first-nations-cultural-and-intellectual-property-in-the-arts/>

NSW Government Public Art Toolkit, <https://www.nsw.gov.au/arts-and-culture/engage-nsw-arts-and-culture/resource-hub/nsw-public-art-toolkit>

Accessed 15-08-2024.



Government Architect NSW 2023, Better Placed: Connecting with Country  
<https://www.planning.nsw.gov.au/sites/default/files/2023-10/connecting-with-country.pdf>

NSW Department of Planning and Environment 2022, Recognise Country:  
Guidelines for development in the Aerotropolis <http://planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/western-sydney-aerotropolis/western-sydney-aerotropolis-development-control-plan#the-recognise-country-guidelines-for-development-in-the-aerotropolis>

Penrith City Council  
PO Box 60, Penrith  
NSW 2751 Australia  
T 4732 7777  
F 4732 7958  
[penrith.city](http://penrith.city)