Aboriginals Benefit Account (ABA) Homelands Project Grant Opportunity Guidelines

| Opening date: | 15 May 2024 |
| --- | --- |
| Closing date and time: | [11:59PM AEST on [31 December 2024]  Note: The National Indigenous Australians Agency (NIAA) may amend the closing date and time at its own discretion by issuing a notice through the [GrantConnect](https://www.grants.gov.au/) website. |
| Commonwealth policy entity: | NIAA |
| Co-sponsoring entity | N/A |
| Administering entity | NIAA |
| Enquiries: | The ABA Team can be contacted on 1800 354 612 and [abahomelands@official.niaa.gov.au](mailto:abahomelands@official.niaa.gov.au) or you can arrange to meet them at their office in Jacana House, 39-41 Woods Street, Darwin.  Questions should be sent no later than 6 December 2024. |
| Date guidelines released: | 15 May 2024 |
| Type of grant opportunity: | Closed non-competitive |

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## ABA Homelands Project processes

**The ABA Homelands project is designed to achieve Australian Government objectives.**

This grant opportunity is part of the Aboriginals Benefit Account (ABA) Grant Program which contributes to NIAA’s Outcome 1. The NIAA works with stakeholders to plan and design the grant program according to the [*Commonwealth Grants Rules and Guidelines (CGRGs).*](https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf)

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**The grant opportunity opens**

NIAA publishes the grant guidelines on [GrantConnect](http://www.grants.gov.au/).

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**Grant application completed and submitted**

Indigenous owned or controlled providers will be invited to submit an application for funding to deliver selected activities in one or more homelands.

If you are invited to apply, you complete the application form, including addressing all eligibility and assessment criteria.

If you have already submitted an application for funding in response to an invitation from the Agency, you do not need to submit an application. We will consider your application using the information we already have.

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**Application assessed**

NIAA assesses your application against eligibility criteria, and if eligible, against the assessment criteria, including an overall consideration of value with money.

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**Grant recommendations made**

NIAA provides advice to the decision maker on the merits of each application.

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**Grant decisions made to proceed to agreement negotiation**

Decision maker decides which applications proceed to agreement negotiation.

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**Notified of outcomes**

NIAA advises you of the outcome of your application. Unsuccessful applicants may not be notified until grant agreements have been executed with successful applicants.

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**Grant agreements signed**

The relevant NIAA Regional Office will seek to negotiate a grant agreement with successful applicants and, pending successful negotiations, enter into a grant agreement. The type of grant agreement is based on the nature of the grant and proportional to the risks involved.

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**Delivery of grant**

You undertake the grant activity as set out in your grant agreement. NIAA manages the grant by working with you, monitoring your progress and making payments.

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**Evaluation**

NIAA may evaluate your specific grant activity and the ABA Homelands Project as a whole, based on information you provide and the NIAA collects from various sources.

### Introduction

These guidelines contain information for the ABA Homelands Project grants opportunity.

You must read these guidelines before filling out an application. This document sets out:

* the purpose of the grant program/grant opportunity
* the eligibility and assessment criteria
* how grant applications are considered and selected
* how grantees are notified and receive grant payments
* how grantees will be monitored and evaluated
* responsibilities and expectations in relation to the opportunity.

These guidelines do not apply to procurement activities. The procurement of goods and services is undertaken in accordance with the Commonwealth Procurement Rules, Accountable Authority Instructions and Financial Rules of NIAA, and the provisions of the *Public Governance Performance and Accountability Act 2013* (Cth) *(*the PGPA Act)*.* These guidelines may be amended from time to time. Any alterations and addenda[[1]](#footnote-2) to these guidelines will be published on [GrantConnect](https://www.grants.gov.au/) or the [NIAA ABA webpage](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

## About the grant program

The ABA is a statutory special account established by the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA). The ABA receives and distributes monies from the Commonwealth based on the value of royalties generated from mining on Aboriginal land in the Northern Territory (NT). The ABA is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

Subsection 64(4) of the ALRA empowers the Minister to direct amounts to be debited from the ABA and paid by the Commonwealth to or for the benefit of Aboriginal people living the NT. The Commonwealth is obligated to pay a directed amount in accordance with the direction.

Subsection 64(5A) of the ALRA empowers the Minister to, by notice in writing, specify conditions on which a payment of an amount to a person under subsection 64(4) is made. Subsection 64(5B) enables the Minister, on behalf of the Commonwealth, to recover the whole or part of an amount paid to a person in accordance with subsection 64(4) as a debt if the person breaches a condition specified under subsection 64(5B).

The Minister has approved an allocation of up to $56 million from the ABA to support the ABA Homelands Project (the Project). The key outcome of the Project is the provision of material improvement to remote NT Aboriginal homelands (also known as outstations) to assist permanent residency or regular access for cultural duties. The Project contributes to Outcome 1 under the NIAA Portfolio Budget Statement, specifically Program 1.1 (Jobs, Land and the Economy), Program 1.3 (Safety and Wellbeing) and Program 1.4 (Culture and Capability).

The Project will support the delivery of essential non-housing infrastructure to priority homelands across the NT selected by the four respective NT land councils. Traditional Owners of each homeland identify urgently needed infrastructure, in consultation with the land councils. The Minister provides the final decision on which homelands and infrastructure to include for potential funding support under the Project.

The Project will run from 2024 until the program objectives have been delivered. The Project was announced as part of the strategic ABA Beneficial Grants Program initiative designed specifically to benefit existing NT remote homelands but not town camps or larger townships or communities.

### About the ABA Homelands Project grant opportunity

The objectives of the ABA Homelands Project are to improve living conditions and enhance business and other opportunities in homelands.

To be eligible to receive funding under the Project, homelands must be:

* Regularly used and maintained for habitation or cultural purposes, and
* Not be connected to the NT Power and Water Corporation’s Indigenous Essential Services water and electricity networks if funding is sought for water and electricity services.

The four NT land councils have statutory responsibilities under the *Aboriginal Land Rights Act 1976* (ALRA) to support the management of Aboriginal land in the NT, including management of homelands under Community Living Area and Land Trust arrangements. Given their knowledge of the homelands and their established relationships with residents, land councils are well placed to undertake the consultation stage of the Project. The land councils developed schedules of 185 homelands for consultation and have consulted with homelands residents to determine infrastructure requirements (or activities).

The land councils submitted potential homelands activities to the Australian Government for assessment against benefit, need and capacity. In undertaking this assessment, consideration was given to each homeland’s infrastructure, past and planned infrastructure investment, and the funding available. Formal recommendation of potential activities was then sought from the ABA Advisory Committee, a body which was disbanded by December 2022 following amendments to the ALRA. The approval of the Minister has been obtained to proceed with activities recommended for 184 homelands. Six homelands have since been de-scoped from the project as activities were either deemed unnecessary by homelands residents or received funding from other sources.

Approved homelands activities are delivered under funding grants to selected Indigenous provider organisations. These Guidelines contain information for providers applying for funding grants and providers who have already submitted an application for funding in response to an invitation from the Agency.

You must read this document before filling out an application.

NIAA administers this grant opportunity in accordance with the ALRA and the [*Commonwealth Grants Rules and Guidelines*](https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf) (CGRGs)*[[2]](#footnote-3).*

The intended outcomes of the ABA Homelands Project are to:

* Increase local Indigenous employment and training.
* Improve health, safety and wellbeing of homelands residents.
* Increase opportunities for people living on homelands to access services, including education and training.
* Increase capacity for permanent residency on homelands or access to homelands to engage with culture and care for country.

The objectives of the ABA Homelands Projectare:

* Investment in infrastructure which is identified by homelands residents and complements the Northern Territory Government’s (NTG) homelands programs.
* Capacity development requested by homelands residents that is associated with the infrastructure investment and supports homelands residents to manage the infrastructure.
* Contributing to an increase in local Indigenous employment outcomes. Applicants will need to justify use of non-Indigenous labour.
* Provision of opportunity for Indigenous provider organisations to deliver works.

## Grant amount and grant period

### Grants available

The Australian Government has announced a total of $56 million GST-exclusive for the ABA Homelands Project.

* There is no maximum grant amount but grants cannot exceed the amount of available funds.

To deliver cost efficiencies and enable more sustained employment opportunities, funding has in some cases been offered by bundling approved activities in a number of homelands into one grant opportunity.

Consultations with homelands have enabled the development of a prioritised set of activities and funding allocations for each homeland. Homeland activities have been approved to be progressed through this grant opportunity.

If your application is successful, you will be offered the opportunity to enter into a grant agreement with the NIAA.

### Grant period

There is no maximum grant period for this opportunity, however ideally we would want all activities to be finalised by the end of the 2024-25 financial year.

## Eligibility criteria

ABA Homelands Project funding is available through a closed non-competitive process. The NIAA will approach existing services providers with invitations to submit funding applications to deliver infrastructure in only those homelands the Minister has approved for support.

In the first instance, Indigenous-owned service providers or Regional Councils with service responsibilities under the NTG’s Municipal and Essential Services program will be approached by NIAA to consider submitting funding applications. These organisations have existing relationships with, and intimate knowledge of, many homelands and Traditional Owners in their service regions.

If local service providers or Regional Councils indicate their unavailability to scope works and submit funding applications, NIAA may approach an Indigenous services provider from an alternative Municipal and Essential Services region. The selection of provider will be made on cultural and geographic familiarity with the region; capacity and experience; and previous performance delivering infrastructure for the ABA Homelands Project and other ABA grants.

Your application can only be considered if you satisfy all the eligibility criteria.

### Who is eligible to apply for a grant?

To be eligible your organisation must:

* be invited to apply to this opportunity
* have an Australian Business Number (ABN), or have commenced the process to obtain an ABN, and is registered for GST purposes
* where relevant, be registered for the purposes of GST
* have an account, in your name and which you control, with an Australian financial institution
* be located inNorthern Territory
* be one of the following entity types:
  + an Aboriginal and/or Torres Strait Islander Corporation registered under the [*Corporations (Aboriginal and /or Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124)
  + a company incorporated in Australia
  + A land council or regional council
* Have not been named as non-compliant under the *Workplace Gender Equality Act 2012* (Cth).

The NIAA will assess the financial viability of providers and their capacity to deliver value for money outcomes.

The NIAA may approach alternative Indigenous organisations[[3]](#footnote-4) to deliver the project if, after formal assessment of capacity, viability, delivery history and relationship with homelands, NIAA concludes that funding an existing local provider poses a significant risk to successful delivery of the activities.

The NIAA may deem an organisation or an activity that might otherwise be eligible for funding to be not eligible if that organisation or activity is the subject of a breach notice, and the NIAA is not satisfied that the organisation has responded to that breach notice in a satisfactory manner

### Who is not eligible to apply for a grant?

You are not eligible to apply if you have not been approached by the NIAA with an invitation to apply.

In deciding to issue an invitation to apply, NIAA will take into account factors such as:

* whether you are an organisation that has had issues of previous non-compliance with existing NIAA grant agreements and hasn’t rectified these issues to the satisfaction of the NIAA; or is not in the process of rectifying any issues of non-compliance with existing NIAA grant agreements to the satisfaction of the NIAA.
* whether you are not financially viable to the NIAA’s satisfaction. The application form has questions about financial viability. The NIAA may undertake its own enquiries in relation to the applicant’s financial viability.
* whether you are an organisation, or your project partner is an organisation, included on the National Redress Scheme’s website on the list of ‘Institutions that have not joined or signified their intent to join the Scheme’ ([www.nationalredress.gov.au](http://www.nationalredress.gov.au))
* whether you are a non-corporate Commonwealth entity
* whether you are an individual
* whether you are unincorporated association
* whether you are overseas resident/organisation
* whether you are declared bankrupt or subject to insolvency proceedings—as relevant to the entity type
* whether you are any organisation not included in section 4.1

### What qualifications, skills or checks are required?

If you are successful, all personnel working on the grant activity must maintain the following [qualifications, skills, accreditation, registration, and checks]:

* Working with Vulnerable People registration
* Working with Children check
* Australian Skills Quality Authority accreditation
* Relevant industry licenses or registrations

Homeland residents who are Traditional Owners have collective ownership under the ALRA of the country they live on. Their permission is required for the placement of fixed infrastructure in their homelands. You will need to work with the Traditional Owners and land council to obtain this permission. For high value assets, best practice is to obtain a ‘letter of no objection’ from the relevant land council.

### Incorporation requirements

Subject to certain exceptions, under the Strengthening Organisational Governance Policy, all organisations that receive grant funding totalling $500,000 or more (GST exclusive) in any single financial year from IAS funding are required to:

* Incorporate under Commonwealth legislation— First Nations organisations will be required to incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Details/C2017C00055) and other organisations will be required to incorporate under the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818).
* Maintain these arrangements while they continue to receive any IAS funding.

First Nations organisations already incorporated under the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818) do not have to change their incorporation status. However, all other First Nations organisations must be incorporated under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Details/C2017C00055) so they can access the assistance and support available under the Act.

For further information on incorporation requirements please refer to Appendix A.

## What the grant money can be used for

### Eligible grant activities

Eligible activities are limited to those activities approved by the Minister for potential funding support. Activities must directly relate to the project and can include:

* + New and upgraded essential services infrastructure to provide safe and reliable electricity and water and sewerage supply, reticulation and storage.
  + Upgrades and repairs to infrastructure that supports access to a homeland (e.g. roads, bridges, cross-overs, airstrips, barge landings) but do not or are not eligible to receive funding from other sources.
  + New or upgraded radio/telephony infrastructure (including mobile phone coverage).
  + New and upgraded community infrastructure to improve the amenity of a homeland (e.g. meeting facilities, ablution blocks and fencing).
  + Training and capacity development for Indigenous providers and residents to use and maintain infrastructure.

You can only spend grant funds on eligible grant activities as defined in the grant details in your grant agreement. Grant funding can only be spent between the start date and end or completion date for your grant agreement. A grant agreement must be executed before the NIAA can make any payments on eligible expenditure items (see section 10.1). If you choose to start your grant activities before a grant agreement has been executed, the NIAA is not responsible for any of this expenditure and you do so at your own risk. A grant agreement must be executed before you start any ABA Homelands Project activities (see section 10.1).

If your application is successful, the NIAA may ask you to verify project costs that you provided in your application. You may need to provide evidence such as quotes for major costs.

Not all expenditure on your grant activity may be eligible for grant funding. The ABA Homelands Project Delegate makes the final decision on what is eligible expenditure and may give additional guidance on eligible expenditure if required.

Your proposed grant activities should take into account:

* The cultural and linguistic needs of First Nations Australians and others whose first language is not English, and be mindful of the Commonwealth Ombudsman’s Best Practice Principles for interpreting. [Use of Interpreters - Commonwealth Ombudsman](https://www.ombudsman.gov.au/__data/assets/pdf_file/0014/35600/Commonwealth-Ombudsman-Fact-Sheet-Use-of-intepreters-With-edits-from-Director-SST.pdf)
* The needs of Australians with disability including how the proposal supports one or more of the six policy outcome areas outlined in the Department of Social Services *[National Disability Strategy 2010-2020.](https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020)*

Differing barriers and opportunities experienced by subsets of the target community, including First Nations men and women, and the impact these might have on access to funded activities⎯this could include articulating the specific ways delivery of the activity will address barriers to participation for different groups. For example, how the activity will support gender equitable outcomes in the community.

### Eligible locations

Your grant can include activities at different locations, as long as they are all in the Northern Territory

### Eligible expenditure

You can only spend grant funds on expenditure you have incurred on an agreed package of activities, as defined in your grant agreement.

### What the grant money cannot be used for

You cannot use the grant for the following activities:

* Creation of new homelands, including purchase of land.
* New housing or house upgrades/repairs, except where this is required for an activity (e.g. rewiring an existing house in connection with the installation of a new solar system).
* New infrastructure to support access to a homeland (e.g. roads, bridges, cross-overs, airstrips, barge landings).
* New buildings or building upgrades that support an existing community function or enterprise (e.g. schools, clinics, churches, art centres, stores, Ranger stations) that receive or is eligible to receive funding from other sources for this purpose.
* Vehicles and machinery for personal non-commercial use.
* Direct support for existing local enterprises where alternative funding sources are available.
* Ongoing operational costs for newly installed infrastructure, including for repairs and maintenance, with exception of time-limited ongoing support for telecommunications services.
* wages
* rent
* costs incurred in the preparation of a grant application or related documentation
* subsidy of general ongoing administration of an organisation such as electricity, phone and rent
* overseas travel
* activities which are wholly funded by other entities. If partial funding is received from another source for an activity, the NIAA may fund the portion not already funded by another entity
* purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) payment of fines or loans, purchase of gifts, personal debts, or sitting fees.
* proposed grant activities outside of Australia;
* marketing campaigns
* activities that commenced prior to the grant agreement being finalised, such as capital costs.

## The assessment criteria

The NIAA will send a written invitation to selected providers to apply for funding to deliver approved activities in one or more homelands. The invitation will include the scope of the activities and the homelands where they are to be delivered. Invitations may be for one homeland, or to deliver efficiencies and more sustained Indigenous employment, for two or more homelands.

Applications will be submitted by completing all sections of an online template. Invited providers will be provided with a link to the online application and sent an email with a project plan template that must be completed and uploaded to accompany the application. The application will allow you to address areas including delivery methodology, timeframe, Indigenous employment and pricing.

We will assess your application against the criteria set out below. Your application will be considered on its merits, based on:

• How well it meets the criteria, and

• Whether it provides value for money.

You must address all of the following assessment criteria in the application. We will assess your application based on the weighting given to each criterion.

The amount of detail and supporting evidence you provide in your application should be relative to the size, complexity and grant amount requested.

If you have already submitted an application for funding in response to an invitation from the Agency, you do not need to submit an application. We will consider your application using the information we already have.

**Criterion 1: Capability**

You demonstrate understanding of activities and an ability to work with the identified Indigenous homeland/s:

* Understanding of the technical requirements and complexity of the project/s and the technology and skills required to deliver.
* Legal and regulatory obligations associated with project delivery are identified.
* Demonstrates process used to develop plan with homeland residents.
* Experience and performance with similar projects.
* Indigenous employment.

**Criterion 2: Capacity**

Delivery schedule demonstrates how you will be able to manage the delivery alongside ongoing business, including provision for risk and other project dependencies.

**Criterion 3: Value for Money**

Pricing reflects value for money, based on the location, scope and complexity of works and includes all costs associated with delivery.

All assessment criteria are given equal weighting.

## How to apply

Any discussion with the NIAA about a grant activity or the lodgement of an application form **does not guarantee that your activity will be funded**.

This grant opportunity is available by invitation only. Before applying, you must read and understand these guidelines and other information available on [GrantConnect](http://www.grants.gov.au/). The NIAA may make changes and addenda[[4]](#footnote-5) to this grant opportunity. Any changes will be published on [GrantConnect](http://www.grants.gov.au/), as the authoritative source for grants information. You will be automatically notified of any changes if you register on [GrantConnect](http://www.grants.gov.au/).

Once invited to apply you must:

* complete the online application form on [GrantConnect](http://www.grants.gov.au/)
* provide all the information requested
* address all eligibility criteria and assessment criteria
* include all necessary attachments
* submit your application/s on [GrantConnect](http://www.grants.gov.au/) by 30 June 2024

A checklist is available at Appendix B to help you submit a completed application. You should keep a copy of your application and any supporting documents.

You are responsible for ensuring that your application is complete and accurate. If you find an error in your application after submitting it, you should contact us immediately at iasamo@niaa.gov.au. We do not have to accept any additional information, nor requests from you to correct your application after the closing time.

* If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.
* Giving false or misleading information is a serious offence under the [Criminal Code 1995](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cca1995115/sch1.html). Any false or misleading information will be investigated and may exclude your application from further consideration.

The NIAA will acknowledge it has received your application within three working days.

The NIAA may ask for additional information to support your application, including information about your entity structure, associated entities and key personnel (e.g. Directors, Chief Executive Officer, Finance Officer, Accountant/Auditor).

If you need further guidance on the application process or if you are unable to submit an application online contact your local [NIAA Regional Office](https://www.niaa.gov.au/contact-us/regional-network-addresses).

### Attachments to the application

You must include the following documents with your application:

* Evidence of bank account details, such as a copy of a current bank statement. This must be a bank account in your name and which you control.
* A project plan which includes the following information:
  + Details and specifications of the proposed delivery of the approved activities
  + Detailed pricing
  + Delivery schedule
  + Indigenous employment plan
  + Risk management plan
  + Plan for handover to residents on completion

A project plan template will be provided to you on invitation, and this must be completed and

attached to your online application.

If you do not have a current grant agreement with the NIAA you must also provide the following documentation (government applicants are exempt from this requirement):

* If you are required by your regulator to keep financial statement, you must provide a copy of your most recent financial statements including:
  + an audited financial statement (audited expenditure report); or
  + an unaudited financial statement
* If you are not required by your regulator to keep financial statements, you must provide:
  + an income and expenditure statement;
  + balance sheet; and
  + statement of assets and liabilities.
* A copy of your Certificate of Incorporation, where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement.

There is a size limit of 2MB for each attachment and a total limit of 10MB for each application. Any applications above this limit will not be received

If you have any questions during the application period, please contact [iasamo@niaa.gov.au](mailto:iasamo@niaa.gov.au) . The NIAA will respond to emailed questions within three working days.

### Timing of grant opportunity processes

You can submit an application at any time over the duration of the grant opportunity.

If you are successful, we expect you will be able to commence your ABA Homelands Project between January and September 2024.

The NIAA aims to notify you of the outcome of your application within 90 days from submission.

Questions during the application process:

If you have any questions during the application period, contact your local [NIAA Regional Office](https://www.niaa.gov.au/contact-us/regional-network-addresses) or email iasamo@niaa.gov.au

The NIAA will respond to emailed questions within three working days. Answers to commonly asked questions may be posted on [GrantConnect](https://www.grants.gov.au/).

## The grant selection process

### Assessment of grant applications

The NIAA will consider eligible applications through a closed non-competitive grant process.

If eligible, your application will be considered on its merits, based on:

* how well it meets the assessment criteria (section 6)
* whether it provides value with relevant money
* how you have delivered IAS and/or Commonwealth funded activities, if applicable.[[5]](#footnote-6)

Assessment of value with relevant money will be assisted by including the following in an application:

* the overall objective/s to be achieved in providing the grant: will proposed infrastructure or assets be fit for purpose and meet community expectations?
* the relative value of the grant sought: is the funding amount appropriate in the context of current market conditions?
* the extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives: does the application provide sufficient information - including plans, technical details and itemised prices - to support assessment?
* how grant activities will be confirmed by groups or individuals: were homelands Traditional Owners and residents consulted for confirmation of the proposed investment?

The following will also be taken into account in assessing the merits of applications:

* Conflicts of interest: the applicant has identified any perceived or actual conflict of interest, and if so, the applicant’s proposed mitigation strategies.
* Potential for the applicant to deliver activities in a number of homelands, to deliver cost efficiencies and enable more sustained employment opportunities.
* The applicant has confirmed the scope of activities with relevant homelands residents and residents have agreed to the applicant accessing the homeland(s).
* An acknowledgment that the operator of machinery and other portable and attractive assets provided for a homeland will enter into formal agreement with the Commonwealth to ensure the assets are used for their stated purpose.

External advisors may also be asked to inform the assessment process. Any advisor who is not an Australian Public Servant will be treated as the Commonwealth entity’s staff in accordance with Part 1, section 2.8 of the CGRGs. Advisors may include officers of the NTG and a professional cost estimator who may be consulted for expert advice.

The assessor may seek information about you or your application. They may do this from within the Commonwealth, even if the sources are not nominated by you as referees. The assessor may also consider information about you or your application that is available through the normal course of business.

If the selection process identifies unintentional errors in your application, you may be contacted to correct or explain the information.

### Who will assess applications?

Applications will be assessed by a staff member from a regional team of the NIAA.

The following unweighted criteria will be used to assess applications, using a ranking scale of 1 to 7:

* Capability: the applicant’s understanding of activities and an ability to work with residents and other stakeholders of the identified homeland(s).
* Capacity: demonstration of how the applicant will be able to manage the activity alongside ongoing business, including provision for risk and other project dependencies.
* Value for Money: the budget reflects value for money, based on the location, scope and complexity of works and includes all costs associated with delivery.

The following will also be taken into account in assessing the merits of applications:

* Conflicts of interest: the applicant has identified any perceived or actual conflict of interest, and if so, the applicant’s proposed mitigation strategies.
* Potential for the applicant to deliver activities in a number of homelands, to deliver cost efficiencies and enable more sustained employment opportunities.
* The applicant has confirmed the scope of activities with relevant homelands residents and residents have agreed to the applicant accessing the homeland(s).
* Secure tenure has been or is being arranged for fixed assets over $500,000.
* An acknowledgment that the operator of machinery and other portable assets provided for a homeland will enter into formal agreement with the Commonwealth to ensure the assets are used for their stated purpose.

External advisors may also be asked to inform the assessment process. Any advisor who is not an Australian Public Servant will be treated as the Commonwealth entity’s staff in accordance with Part 1, section 2.8 of the CGRGs. Advisors may include officers of the NTG and a professional cost estimator who may be consulted for expert advice.

The assessor may seek information about you or your application. They may do this from within the Commonwealth, even if the sources are not nominated by you as referees. The assessor may also consider information about you or your application that is available through the normal course of business.

If the selection process identifies unintentional errors in your application, you may be contacted to correct or explain the information.

The assessors recommend to the Minister which applications to approve for a grant.

To ensure probity, staff who provide support in developing a proposal will not be involved in the assessment of the application.

### Who will approve grants?

The Minister for Indigenous Australians has delegated certain decision-making powers under the *ALRA* to senior executive staff in the NIAA’s Central Group, situated in the Northern Territory. Upon receipt and assessment of grant applications for activities approved by the Minister for Indigenous Australians, staff from the NIAA will brief the delegate with a recommendation on whether to enter into funding negotiations with the applicant, taking into account the outcome of the assessment. At the conclusion of funding negotiations, the delegate may approve concluding a grant agreement to release funds to the applicant to deliver the activities.

The delegate’s decision is final in all matters, including:

* the approval of the grant
* the grant funding amount to be awarded
* the terms and conditions of the grant.

The delegate must not approve funding if they reasonably consider the program funding available across financial years will not accommodate the funding offer, and/or the application does not represent value for money.

## Notification of application outcomes

You will be advised of the outcome of your application in writing. If you are successful, the NIAA will advise you of any specific conditions attached to the grant.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome.

The NIAA will provide unsuccessful applicants an opportunity to receive reasons for the decision. Unsuccessful applicants may be able to seek judicial review of the decision and are entitled to engage in the NIAA Complaints Process.

There is no appeal mechanism for decisions to approve or not approve a grant.

### Feedback on your application

If you are unsuccessful, you may ask for feedback from your local [NIAA Regional Office](https://www.niaa.gov.au/contact-us/regional-network-addresses) within 30 days of being advised of the outcome. Wewill give written feedback within one month of your request.

## Successful grant applications

### The grant agreement

The NIAA will seek to negotiate the terms of an agreement with the applicant within six weeks. During these negotiations there will also be an opportunity to tailor the scope and delivery of activities. Once these negotiations have concluded, the delegate may approve entering into a grant agreement.

If you choose to accept the terms of the grant agreement, you must enter into a legally binding grant agreement with the Commonwealth.

The NIAA uses a standard NIAA grant agreement in the ABA Homelands Project, based on the [*Commonwealth Standard Grant Agreement*](http://www.finance.gov.au/financial-framework/financial-management-policy-guidance/grants/grant-agreement-template-project.html)*.*

You should not make financial commitments or begin delivering activities until a grant agreement has been executed by the Commonwealth.

Each agreement has general terms and conditions that cannot be changed.

**Executing an agreement**

Depending on the type of grant agreement used, you will have 20 to 30 days from the date of a written offer to execute this grant agreement with the Commonwealth (‘execute’ means both you and the Commonwealth have signed the agreement).

During this time, the NIAA will work with you to finalise details of the grant agreement. Relevant community stakeholders may also be involved in these negotiations to ensure the activity is tailored to meet local community or regional need. Any changes to the grant agreement will be reviewed to ensure they do not impact the grant as approved by the ABA Homelands Project Delegate.

Under certain circumstances, the NIAA may extend this period. The NIAA base the approval of your grant on the information you provide in your application.

If you fail to meet the obligations of the grant agreement, the Commonwealth may terminate the agreement. The Commonwealth may also recover grant funds if there is a breach of the grant agreement.

### How we pay the grant

The grant agreement will state the maximum grant amount to be paid. The NIAA will not exceed the maximum grant amount under any circumstances. You must meet any extra costs you incur.

The NIAA will make an initial payment on execution of the grant agreement. Subsequent payments will be made upon receipt of progress reports are dependent on you complying with the grant agreement requirements, including satisfactory progress against performance and financial reporting milestones. You may also be required to report how you spent the grant funds during the period of the grant activity or at the completion of the grant activity.

**Grants Payments and GST**

Payments will be [Goods and Services Tax (GST)](https://www.ato.gov.au/Business/GST/Registering-for-GST/) Inclusive unless you are not registered for GST or certain exceptions set out in the GST legislation apply. Subject to those exceptions, the NIAA will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice](https://www.ato.gov.au/business/gst/in-detail/managing-gst-in-your-business/tax-invoices/recipient-created-tax-invoices/).

Grants are assessable income for taxation purposes, unless exempted by a taxation law. The NIAA recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](https://www.ato.gov.au/).[[6]](#footnote-7) The NIAA do not provide advice on your particular taxation circumstances.

## Announcement of grants

If a grant agreement is executed, it will be listed on the [GrantConnect](https://www.grants.gov.au/?event=public.GO.list) website 21 calendar days after the date of effect as required by Section 5.3 of the [CGRGs](http://cgrgs/).

## How we monitor your grant activity

### Keeping us informed

If you execute a grant agreement, you must let the NIAA contact officer listed in your grant agreement know if anything is likely to affect your grant activity. This includes key changes to your organisation or its business activities, particularly if they affect your ability to complete your grant, carry on business and pay debts due. Changes to your organisation include (but are not limited to):

* name
* addresses
* nominated contact details
* bank account details
* ABN
* GST registration or status
* Any instance where your organisation may no longer meet the definition of a First Nations organisation (if it initially did).
* If your organisation has an outstanding and overdue Australian Tax Office debt.

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately.

### Reporting

You must submit reportsin line with the [grant agreement](file://prod.protected.ind/User/user03/LLau2/insert%20link%20here), including:

* progress against agreed grant activity milestones and outcomes
* key performance indicators
* expenditure of the grant, including finance reports.

The level of detail you provide in reports should be relative to the size, complexity and grant amount.

The NIAA will monitor progress by assessing reports you submit and may also:

* source a range of data and information to inform its judgement.
* request records to confirm details of your reports if necessary.
* undertake on-the-ground monitoring of grantees and activities, including site visits, discussions with community members and service recipients and ongoing contact with the grantees.
* need to re-examine claims, seek further information or request an independent audit of claims and payments.

### Grant agreement variations

The NIAA recognises that unexpected events may affect your progress or impact on your ability to achieve results consistent with the NIAA’s priorities. In these circumstances, you or the NIAA can request a variation to your grant agreement, including:

* changing key performance indicators or milestones
* extending the timeframe for completing the grant
* changing grant activities (if these align with intent of original funded grant activities)
* changing funding.

The instigating party must put its concerns, issues and proposed changes in writing before the grant agreement end date. Do not assume that a variation request will be successful. The NIAA will consider your request based on provisions in the grant agreement and the likely impact on achieving outcomes.

Requests will be considered in the context of:

* How the request affects the outcome
* Consistency with the ABA Homelands Project policy objective and any relevant policies of the NIAA
* Changes to the timing of grant payments
* Availability of ABA Homelands Project funds.

All decisions to vary a grant agreement must be mutually agreed by you and the NIAA before a variation can be executed.

### Compliance visits

The NIAA may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. The NIAA will provide you with reasonable notice of any compliance visit.

### Record keeping

The NIAA may inspect, copy, remove and/or retain the records you are required to keep under the grant agreement.

### Evaluation

The NIAA will evaluate the grant activityto measure how well outcomes and objectives have been achieved. To undertake this evaluation, the NIAA may:

* use information from your application and reports
* interview you or ask for more information on how the grant impacted you and how effective it was in achieving its outcomes.

A Performance Management Framework will be used to measure how well outcomes and objectives have been achieved. This will include six monthly KPI reporting on delivery, timeliness, Indigenous employment and community satisfaction and expenditure reporting and acquittal of funds. The NIAA will also use site visits and end of works evaluation by residents to measure how well outcomes and objectives of the activity have been achieved.

### Acknowledgement

If you make a public statement about a grant activity funded under the ABA Homelands Project, you must use the following statement:

‘This grant activity received grant funding from the National Indigenous Australians Agency’

## Probity

The Australian Government will ensure the grant opportunity process:

* is fair
* is run in accordance with these guidelines and the ALRA and other relevant legislation (such as the *Public Governance, Performance and Accountability Act 2013*) and other applicable government policies
* incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct
* is consistent with the CGRGs.

The NIAA may make changes to these guidelines and publish the revised guidelines on [GrantConnect](https://help.grants.gov.au/). Should this occur, all invited applicants will be notified via [GrantConnect](https://help.grants.gov.au/) and email.

### Enquiries and feedback

Contact your local [NIAA Regional Office](https://www.niaa.gov.au/contact-us/regional-network-addresses) if you have any questions about this grant opportunity, including grant decisions.

If you would like to make a complaint about a grant process, phone (02) 6152 3050 or email [complaints@niaa.gov.au](mailto:complaints@niaa.gov.au). If you do not agree with the way the NIAA has handled your complaint, you may complain to the [Commonwealth Ombudsman](http://www.ombudsman.gov.au/) on:

Phone (Toll free): 1300 362 072  
Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)   
Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the NIAA.

### Conflicts of interest

Any conflicts of interest could affect the performance of the ABA Homelands Project grants. There may be a [conflict of interest](http://www.apsc.gov.au/publications-and-media/current-publications/aps-values-and-code-of-conduct-in-practice/conflict-of-interest), or perceived conflict of interest, if NIAA staff, any member of a committee or advisor and/or you or any of your personnel:

* has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer or member of an external panel
* has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently and/or
* has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/ grant opportunity.

You will be asked to declare, as part of your application, any perceived or existing conflicts of interests or that, to the best of your knowledge, there is no conflict of interest. The NIAA will make the final decision on what is determined as an actual, potential or perceived conflict of interest.

If you identify an actual, apparent, or perceived conflict of interest after submitting your application, you must immediately inform the NIAA in writing and provide further information to the satisfaction of the NIAA.

Conflicts of interest for Australian Government staff will be handled as set out in the Australian [Public Service Code of Conduct (Section 13(7))](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/psa1999152/s13.html) of the [*Public Service Act 1999*](https://www.legislation.gov.au/Series/C2004A00538). Committee members and other officials including the decision maker must also declare any conflicts of interest.

### Privacy

The NIAA treats your personal information according to the [*Privacy Act 1988*](https://www.legislation.gov.au/Details/C2014C00076)and the[Australian Privacy Principles](https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles). This includes letting you know:

* what personal information the NIAA collects
* why the NIAA collects your personal information
* who the NIAA gives your personal information to.

Your personal information can only be disclosed to someone else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

The NIAA may share the information you provide with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

As part of your application, you declare your ability to comply with the *Privacy Act 1988* and the Australian Privacy Principles. You also declare you will impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the NIAA would breach an Australian Privacy Principle as defined in the Act.

The NIAA’s [Privacy Policy](https://www.niaa.gov.au/pmc/who-we-are/accountability-and-reporting/privacy-policy) contains information about how you can access the personal information held by the NIAA and seek correction of the information. It also explains how you can make a complaint about a breach of the Australian Privacy Principles. You can access the Privacy Policy at niaa.gov.au or by emailing privacy@niaa.gov.au for a copy of the policy.

### Confidential Information

Other than information available in the public domain, you agree not to disclose to any person, other than the NIAA, any confidential information relating to the grant application and/or agreement, without the NIAA’s prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

The NIAA may at any time, require you to arrange for: you; your employees; agents or subcontractors, to give a written undertaking relating to nondisclosure of our confidential information in a form we consider acceptable.

The NIAA will keep any information in connection with the grant agreement confidential to the extent that it meets all of the three conditions below:

1. you clearly identify the information as confidential and explain why we should treat it as confidential
2. the information is commercially sensitive
3. revealing the information would cause unreasonable harm to you or someone else.

The NIAA will not be in breach of any confidentiality agreement if the information is disclosed to:

* Commonwealth employees and contractors to help us manage the ABA Homelands Project effectively
* employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
* employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
* other Commonwealth, State, Territory or local government agencies in program reports and consultations
* the Auditor-General, Ombudsman or Privacy Commissioner
* the responsible Minister or Parliamentary Secretary, and
* a House or a Committee of the Australian Parliament.

The grant agreement may also include specific requirements about special categories of information collected, created or held under the grant agreement.

### Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [*Freedom of Information Act 1982*](https://www.legislation.gov.au/Series/C2004A02562) (FOI Act)*.*

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

By mail: Freedom of Information Coordinator

National Indigenous Australians Agency

PO Box 2191

CANBERRA ACT 2601

By email: foi@niaa.gov.au

## Consultation

These guidelines draw on feedback received from previous public consultation processes and the NIAA’s daily role in working with providers and First Nations people and communities across Australia. The NIAA will continue to review the guidelines based on this experience and the experiences of our grantees.

The NIAA will also seek advice from First Nations people, communities, and other stakeholders (such as representative groups) as required.

The ABA Homelands Project framework was developed from a 2012 discussion paper initiated by the ABA Advisory Committee on the need for investing in Northern Territory homelands from an allocation from the Aboriginals Benefit Account.

Consultations on the framework then took place with the ABA Advisory Committee, which formally endorsed a Project Plan in July 2017.

Discussions took place over 2016 and 2017 with the NTG and the four Northern Territory land councils.

## Appendix A: Incorporation requirements

Subject to certain exceptions, under the Strengthening Organisational Governance Policy all organisations receiving grant funding totalling $500,000 (GST exclusive) or more in any single financial year from the NIAA are required to:

* Incorporate under Commonwealth legislation— First Nation organisations will be required to incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124)and other organisations will be required to incorporate under the [*Corporations Act 2001*.](https://www.legislation.gov.au/Series/C2004A00818)
* Maintain these arrangements while they continue to receive any IAS funding.

The incorporation requirements apply to grant funding under grant agreements or variations executed on or after 1 July 2014. Grants for capital works and funding sourced through procurement activities are not included in the calculation of applicable funding.

Statutory bodies, government bodies, and organisations operating under a specific piece of legislation are excluded from the requirements and do not have to apply for an exemption.

First Nation organisations already incorporated under the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818) do not have to change their incorporation status. However, all other First Nation organisations in scope of this policy must incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006* so](https://www.legislation.gov.au/Series/C2006A00124) they can access the assistance and support available under the Act.

Organisations will need to comply with this requirement as part of their grant agreement. Non-compliance will constitute a breach and may result in the termination of the grant agreement.

Organisations will have a six-month transition period to comply with the incorporation requirement from the execution of the Grant Agreement or variation of an existing grant agreement. At the NIAA’s discretion extended transition periods may be granted to organisations if the organisation has applied for an extension in writing and can provide evidence that they have made reasonable attempts during the six month period to transition, but are unable to meet this requirement in that time.

Organisations may apply for an exemption from the requirement to incorporate under the Strengthening Organisational Governance Policy. Applications for exemption must be submitted using the process outlined by the NIAA. Details about the exemptions policy and the Application for Exemption form can be found on the [NIAA’s website](http://www.dpmc.gov.au/indigenous-affairs/incorporation-requirements).

Exemptions will be considered where an organisation can demonstrate at least one of the following:

1. That grant funding received from the Indigenous Affairs Group within the NIAA is a small portion of its total revenue, and as such changing incorporation status may unfairly impose additional requirements on its operations and business model.

2. It is required to incorporate under specific non-Commonwealth legislation as part of its licensing arrangements or funding received through other sources.

Applications for exemption will be considered on a case-by-case basis, and will take into consideration information demonstrating that the organisation is well-governed, high-performing and low risk.

Applications for exemption from the requirements should be lodged through the Agreement Manager in the NIAA Regional Office. Applications should be lodged within the transition period, as soon as practicable once an offer of funding has been made. Organisations will be expected to comply with the requirements within the transition period should an exemption not be granted.

Support for First Nation organisations transferring to the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124) is available through the Office of the Registrar of Indigenous Corporations (ORIC). This includes assistance in developing a rulebook, guidance on the process to transfer incorporation, and access to pro bono legal assistance through the LawHelp service.

Organisations required to transfer their incorporation from state and territory legislation to either the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124) or the [*Corporations Act 2001*](https://www.legislation.gov.au/Series/C2004A00818) may incur some additional, one-off costs for independent legal advice and accountancy services to support the transfer of incorporation. **To assist those organisations required to transfer their incorporation status, the NIAA will provide a one-off $10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred.**

Please refer to the [NIAA’s website](http://www.niaa.gov.au) at <https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/incorporation-requirements> for further information.

## Appendix B: Glossary

| Term | Definition |
| --- | --- |
| Accountable authority | See subsection 12(2) of the [*Public Governance, Performance and Accountability Act 2013*](http://www.finance.gov.au/resource-management/pgpa-legislation-rules-and-associated-instruments/) |
| Assessment criteria | Are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings. |
| Commonwealth entity | A Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act |
| [*Commonwealth Grants Rules and Guidelines (CGRGs)*](https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf) | Establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration. |
| Completion date | The expected date that the grant activity must be completed and the grant spent by |
| Control | Control is related to the people in your organisation that have decision-making authority over strategic direction or governance. For most entities, this will mean your Board or Management Committee. Depending on the legal entity type, control may mean:   * 1. Directors and Secretary—Company Limited by Shares, Company Limited by Guarantee, Cooperatives   2. Management Committee and Public Officer— ORIC-Registered Indigenous Corporations, Incorporated Associations   3. Proprietor/partner—Sole traders, actual person partnerships.   Note: for trusts, the trustee will typically be one of the legal entities above. |
| *Corporations Act 2001* | An act of the Commonwealth that sets out the laws dealing with business entities in Australia at federal and interstate level. It focuses primarily on companies, although it also covers some laws relating to other entities such as partnerships and managed grant funding schemes. Incorporation can be applied for through the [Australian Securities and Investment Commission website](https://asic.gov.au/). |
| *Corporations (Aboriginal and Torres Strait Islander) Act 2006* | The law that establishes the role of the Registrar of Aboriginal and Torres Strait Islander Corporations, now called the Registrar of Indigenous Corporations, and allows Indigenous Australian groups to form corporations. The [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Series/C2006A00124) (CATSI Act) replaced the *Aboriginal Councils and Associations Act 1976* (ACA Act). Under the CATSI Act, laws governing Indigenous corporations have been modernised while retaining special measures to meet the specific needs of Indigenous Australians. Incorporation can be applied for through the [Office of the Registrar of Indigenous Corporations (ORIC) website](http://www.oric.gov.au). |
| Co-sponsoring entity | When two or more entities are responsible for the policy and the appropriation for outcomes associated with it |
| Date of effect | Can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable. |
| Decision maker | The person who makes a decision to award a grant |
| Eligibility criteria | Refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria. |
| Evaluation | Evaluation is the systematic measurement of the significance, merit and worth of policies and programs, undertaken to understand and improve decisions about investment. Evaluation involves the assessment of outcomes and operations of programs or policy compared to expectations in order to make improvements. |
| First Nations enterprise | An entity with at least 50% First Nations ownership, as outlined in the Indigenous Procurement Policy. |
| Indigenous organisations  *(Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix B)* | Aligns with the s29-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and Part 2 – Regulation 6 of the Corporations (Aboriginal and Torres Strait Islander) Regulations 2017   * 1. If the corporation has five (5) or more members—at least 51% of the members are Indigenous Australians.   2. If the corporation has fewer than five (5) members but more than one (1) member—all of the members, or all but one of the members are Indigenous Australians.   3. If the corporation has only one (1) member – that member is an Indigenous Australian.   Note that “member” is used as a term for ownership and may vary between entity types (e.g. “shareholder” for co-operatives).  **and**  Aligns with s246-5 of the Act—a majority of the directors must be Indigenous peoples.  or  2. An Indigenous-Focused organisation through ownership, control, or employment:  At least 50% of the entity is owned by Indigenous people; or  Effective control: at least 50% of the organisation’s board, management or similar (e.g. senior leadership team) is filled by Indigenous people; or  At least 50% of the organisation’s employees are Indigenous, including in positions of authority over key business decisions regarding finances, operations, personnel and strategy of CDP service provision.  or  3. A Local Community organisation:   1. A local council; or   In rare circumstances, the organisation can demonstrate strong, regular involvement of local Indigenous communities, groups or leaders, including evidence of involvement of local communities and Indigenous people in the planning, design and implementation of activities; and cultural competence, that result in services that meet the community needs and demographics. |
| Grant | For the purposes of the CGRGs, a ‘grant’ is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:   * 1. under which relevant money[[7]](#footnote-8) or other [Consolidated Revenue Fund](https://www.finance.gov.au/resource-management/pgpa-glossary/consolidated-revenue-fund/) (CRF) money[[8]](#footnote-9) is to be paid to a grantee other than the Commonwealth; and   2. which is intended to help address one or more of the Australian Government’s policy outcomes while assisting the grantee achieve its objectives. |
| Grant activity/activities | Refers to the project/tasks/services that the grantee is required to undertake |
| Grant agreement | Sets out the relationship between the parties to the agreement, and specifies the details of the grant |
| Grant opportunity | Refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process. |
| Grant program | A ‘program’ carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program. |
| [GrantConnect](http://www.grants.gov.au/) | Is the Australian Government’s whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs |
| Grantee | The individual/organisation which has been selected to receive a grant |
| Homelands | Homelands or outstations are small and remote discrete locations used by Aboriginal people for residence and/or for cultural purposes. |
| Key Performance Indicator | A measure that provides information about the extent to which the activities or services meet agreed performance requirements. |
| Management | Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes:   * 1. the CEO (or equivalent)   2. the people occupying the highest positions in relation to:      1. service delivery      2. finances      3. operations (e.g. property, ICT), and/or      4. human resources. |
| NIAA | National Indigenous Australians Agency |
| Owners | Depending on legal entity type, “Owners” may be based on your:   * 1. Members ORIC-Registered Indigenous Corporations, Companies Limited by Guarantee, Incorporated Associations   2. Shareholders—Companies Limited by Shares, Cooperatives   3. Proprietors/partners—Sole traders, actual person partnerships   4. Beneficiaries—Trusts   If you are a for-profit entity, ownership relates to those who draw a financial benefit from the entity (other than a salary/wage). For not-for-profits, “benefit” is a broader term that may include social/cultural benefits or maintaining an asset or rights (including native title). |
| PBS Program | Described within the entity’s [Portfolio Budget Statement](https://www.budget.gov.au/2018-19/content/pbs/index.html), PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be Grant Programs. A PBS Program may have more than one Grant Program associated with it, and each of these may have one or more grant opportunities. |
| Remote | The NIAA generally applies the [Accessibility/Remoteness Index of Australia (ARIA)+](https://www.abs.gov.au/websitedbs/D3310114.nsf/home/remoteness+structure) to define remote areas, except where otherwise indicated. ARIA is widely accepted as Australia's most authoritative geographic measure of remoteness. ARIA measures the remoteness of a populated locality by its physical distance by road to the nearest urban centre.  Please see the map at Figure A for a geographic representation of remote areas defined under ARIA.  The NIAA recognises there are some communities located within inner or outer regional areas that may be considered remote that fall outside the definition of remote explained above. These may be communities that have limited access to government services or standards of infrastructure. |
| Selection process | The method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria. |
| Value with relevant money | Judgement based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.  When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to:   * the quality of the project proposal and activities; * fitness for purpose of the proposal in contributing to government objectives; * that the absence of a grant is likely to prevent the grantee and government’s outcomes being achieved; and * the potential grantee’s relevant experience and performance history. |

## Appendix C: Application checklist

Use the following checklist before you submit an application to ensure the application is complete and contains the information needed for the assessment process.

Before applying

| **Step** | **Instructions** | **Complete** |
| --- | --- | --- |
| 1 | You have been invited to apply. |  |
| 2 | You have discussed your proposal with your local NIAA Regional Office and any issues raised by the NIAA about the proposal have been considered and addressed in your application. |  |
| 3 | You have read the Grant Opportunity Guidelines and met all the requirements as described, including eligibility and assessment criteria. |  |
| 4 | You can provide evidence of your incorporation status if required. |  |
| 5 | You have read the sample grant agreement and are willing to accept the terms it describes, if your application is successful. |  |
| 6 | If you are not able to accept the terms of the agreement, you should contact your local NIAA Regional Office before applying. |  |

Filling in the application form

| **Step** | **Instructions** | **Complete** |
| --- | --- | --- |
| 1 | You have completed the application form in English. |  |
| 2 | You have completed every section of the application form. |  |
| 3 | You have provided the name and contact details of two referees who can support the claims made against the assessment criteria. |  |
| 4 | You have to complete the ‘Declaration’ section by ensuring all fields are completed including the checkboxes. If completing the form online, the applicant or person authorised to act on behalf of the applicant, should type their full name in the signature field. |  |

Attachments to the application form

| **Step** | **Instructions** | **Complete** |
| --- | --- | --- |
| 1 | You have attached evidence of bank account details, such as a copy of a current bank statement. This must be a bank account in your name and which you control. |  |
| 2 | You have attached your Project Plan |  |

Applicants who do not have an existing grant agreement with the NIAA – Additional requirements (this does not apply to government applicants)

| **Step** | **Instructions** | **Complete** |
| --- | --- | --- |
| 1 | You have attached a copy of your most recent financial statements, such as an audited expenditure report, income and expenditure statement, or a balance sheet. |  |
| 2 | You have attached a copy of your Certificate of Incorporation, where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement. |  |
| 3 | If you are not able to quote an ABN, you have attached completed a ‘Statement by a supplier (reason for not quoting an ABN to an enterprise)’ form that can be found on the ATO website. |  |

1. Alterations and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents. [↑](#footnote-ref-2)
2. <https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf> [↑](#footnote-ref-3)
3. See glossary [↑](#footnote-ref-4)
4. Changes and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, Questions and Answers (Q&A) documents and Frequently Asked Questions (FAQ) documents [↑](#footnote-ref-5)
5. Your previous performance, demonstrated capability to deliver the activity and/or other information made available to the NIAA may be considered when assessing your application against the assessment criteria. [↑](#footnote-ref-6)
6. <https://www.ato.gov.au/> [↑](#footnote-ref-7)
7. Relevant money is defined in the PGPA Act. See section 8, Dictionary. [↑](#footnote-ref-8)
8. Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money. [↑](#footnote-ref-9)