# Aboriginals Benefit Account (ABA) Grant Opportunity Guidelines (2021-2023)

| Opening date: | This grant opportunity is open from 16 August 2021. These guidelines will apply to grants processes commencing on and from this date. |
| --- | --- |
| Closing date and time: | 11:59 AEST on 30 June 2023 |
| Commonwealth policy entity: | National Indigenous Australians Agency (NIAA) |
| Enquiries: | The ABA Team can be contacted on 1800 354 612 and aba@official.niaa.gov.au or you can arrange to meet them at their office in Jacana House, 39-41 Woods Street, Darwin.The [NIAA Regional Offices](https://www.niaa.gov.au/contact-us/regional-network-addresses) are located in regional centres and communities across the Northern Territory (NT). These staff can provide you with assistance with your application. To find your nearest office talk to the ABA Team or call 1800 079 098.NT Land Councils also have dedicated ABA Support Officers who can assist you with your application. For further information and to speak to an ABA Support Officer, please contact your local Land Council. |
| Date guidelines released: | 16 August 2021 |
| Type of grant opportunity: | Open non-competitive |

Contents

1. Aboriginals Benefit Account Open Grants processes 5

2. Introduction 6

2.1 About the grant program 6

2.2 Other grant opportunities in NIAA 6

2.3 About the Aboriginals Benefit Account 6

2.4 About the ABA Open Grants opportunity 6

2.5 Preference to fund suitable Indigenous organisations 9

3. Grant amount and grant period 9

3.1 Grants available 9

3.2 Grant period 9

4. Eligibility criteria 9

4.1 Who is eligible to apply for a grant? 10

4.2 Incorporation requirements 10

4.3 Who is ineligible to receive a grant? 11

4.4 What qualifications, skills or checks are required? 11

5. What the grant money can be used for 12

5.1 Eligible grant activities 12

5.2 Eligible locations 12

5.3 Eligible expenditure 12

5.4 What the grant money cannot be used for 12

6. The assessment criteria 13

7. How to apply 14

7.1 NIAA regional presence 15

7.2 NIAA National Office 15

7.3 NIAA Grants Management Unit 15

7.4 NT Land Council ABA Support Officers 15

7.5 Timing of grant opportunities 16

7.6 Joint applications 16

7.7 Attachments to the application 16

 7.7.1 Bank account details 16

 7.7.2 Budget 16

7.7.3 Proposals over $500,000—Project Management Plan or Business Plan 17

7.7.4 Viability assessment—IBA and/or ILSC 17

7.7.5 Non-government applicants without a current NIAA grant agreement (or formerly as Department of the Prime Minister and Cabinet) 18

7.7.6 Evidence of your organisation’s indigeneity 18

7.7.7 Consortium applications (including joint, partnership or auspice applications) 18

7.8 Completing the Application Form 19

7.8.1 Key personnel 19

7.8.2 Before lodging an application 19

7.8.3 False or misleading information 19

7.8.4 Size limit for application 19

7.8.5 Declaration in application form 19

7.8.6 Submitting your application 19

7.9 Questions during the application process 20

7.10 Legal and financial advice 20

7.11 Indigenous interpreters 20

7.12 Disability 20

7.13 Supporting equitable access, including gender equity 20

8. The grant selection process 20

8.1 Assessment of grant applications 20

8.1.1 The use of additional information in assessment 21

8.2 Who will assess applications? 21

8.2.1 The ABA Advisory Committee 21

8.3 Who will approve grants? 22

9. Notification of application outcomes 22

9.1 Feedback on your application 22

10. Successful grant applications 22

10.1 The grant agreement 22

10.2 Management of Debt and Underspend 23

10.3 Negotiation of funded activities 23

10.4 Execution of the grant agreement 23

10.5 Specific legislation, policies and industry standards 24

10.6 How we pay the grant 24

10.7 GST 24

10.8 Grant agreement variations 24

11. Risk and compliance 25

11.1 Organisational risk assessment 25

11.2 Activity risk assessment 25

11.3 Non-compliance 25

12. Announcement of grants 26

13. How we monitor your grant activity 26

13.1 On-the-ground monitoring 26

13.2 Key performance indicators 26

13.3 Performance reports 26

13.4 Financial reports 26

13.5 Compliance visits and record keeping 27

13.6 Keeping us informed 27

13.7 Record keeping 27

13.8 Evaluation 27

13.9 Acknowledgement of funding 28

14. Probity 28

14.1 Enquiries and feedback 28

14.2 Conflicts of interest 28

15. Privacy and confidentiality 29

15.1 Personal information 29

15.2 Confidential Information 29

15.3 How we use personal and confidential information 29

15.4 Your responsibilities 30

15.5 Freedom of information 30

16. Consultation 30

17. Glossary 31

Appendix A. Incorporation requirements 36

Appendix B. Application checklist 38

## Aboriginals Benefit Account Open Grants processes

**The** Aboriginals Benefit Account (**ABA) Grant Opportunity is designed to benefit Aboriginal peoples living in the Northern Territory (NT)**

This grant opportunity contributes to NIAA’s Outcome 1. The NIAA works with stakeholders, including the ABA Advisory Committee, to plan and design these grants according to the

 [*Commonwealth Grants Rules and Guidelines (CGRGs).*](https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf)



**The grant opportunity opens**

We publish the grant guidelines on [GrantConnect](http://www.grants.gov.au/) and the [ABA website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding)



**You complete and submit a grant application**

You complete the application form and address all of the eligibility and assessment criteria to be considered for a grant. Prior to submission business projects will need to be considered by [Indigenous Business Australia (IBA)](https://www.niaa.gov.au/sites/default/files/files/aba-iba-checklist-2021-2.docx) and land acquisition or agriculture projects will need to be considered by the [Indigenous Land and Sea Corporation (ILSC)](https://www.niaa.gov.au/sites/default/files/files/aba-ilsc-checklist-2021.docx).



**NIAA reviews all grant applications**

We assess your application against the eligibility and assessment criteria including an overall consideration of value with money.



**NIAA provides advice to the ABA Advisory Committee that meets to review applications**

NIAA provides advice to the ABA Advisory Committee on the merits of each application. The ABA Advisory Committee reviews all applications and makes a recommendation to the Minister for Indigenous Australians.



**The Minister for Indigenous Australians makes a grant decision**

The Minister for Indigenous Australians or delegate decides whether your application will be funded and the level of funding to be provided.



**We notify you of the outcome**

We advise you of the outcome of your application. We intend to notify all successful and unsuccessful applicants shortly after the Minister (or delegate) makes their decision.



**We enter into a grant agreement**

We will enter into a grant agreement with you if successful. The type of grant agreement is based on the nature of the grant and will be proportional to the applicant’s current risk rating.



**Delivery of grant**

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



**Evaluation**

We may evaluate the specific grant activity and the ABA Grants as a whole. We base this on information you provide to us and that we collect from various sources. We use this information to inform future policies and investments. We may ask you for information during the activity to assist with this.

## Introduction

### About the grant program

These guidelines contain information for the Aboriginals Benefit Account (ABA) Open Grants.

You must read these guidelines before filling out an application.

This document sets out:

* the purpose of the 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; and
* 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 [ABA website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

### Other grant opportunities in NIAA

Other grant opportunities within NIAA will have their own guidelines separate to these guidelines and may have different requirements to those listed in this document. These opportunities and any applicable guidelines will be advertised separately on [GrantConnect](https://www.grants.gov.au/) and on the [NIAA website](https://www.niaa.gov.au/news-centre/indigenous-affairs/taeg-are-changing).

### About the Aboriginals Benefit Account

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 NT.

### About the ABA Open Grants opportunity

The ABA Open Grants provide funding for activities that address the objective of benefiting the lives of Aboriginal peoples living in the NT. ABA Open Grants fund activities, projects/services that:

* are delivered in the NT; and
* are for the benefit of Aboriginal peoples.[[2]](#footnote-3)

Please note: ABA grant funding may now be used for multi-year projects and is no longer restricted to one-off projects.

Projects funded should align with the objective and outcome/s of one of the four following categories (see **Table 1**):

* Supporting Enterprises
* Supporting Community
* Supporting Culture, Language and Leadership, or
* Supporting Land, Sea and Waters Management and Use.

NIAA administers this grant opportunity in accordance with the [*Commonwealth Grants Rules and Guidelines*](https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf) (CGRGs)*[[3]](#footnote-4).*

**Table 1 ABA Project Categories**

| ABA Project Category | Objective | Outcomes  |
| --- | --- | --- |
| Supporting Enterprises | To encourage and support Aboriginal peoples to develop and generate economic development and gain social benefits through small, medium or large business investments that will deliver positive outcomes for Aboriginal peoples living in the NT.  | * An increase in the development of Indigenous enterprises or businesses, including community or social enterprises.
* An increase in the number of people employed in full-time or equivalent positions.
* An increase in the number of Indigenous enterprises.
 |
| Supporting Community | To encourage proposals and projects that improve the quality of services and quality of life for Aboriginal peoples living in urban, rural and remote communities across the NT. | * Increased participation in educational and cultural programs to enhance knowledge and skills.
* Increased community engagement through programs that improve the standard and quality of life in the community.
* Improved community facilities and infrastructure.
* Increased engagement with local community members to improve social, emotional and well-being outcomes, create employment, support education and build safer communities.
* Benefits to communities from facilities that support sporting and cultural needs.
* Reduced unmet community medical need.
 |
| Supporting Culture, Language and Leadership | To support and encourage proposals that enhance and contribute to cultural activities and responsibilities for Aboriginal peoples in the NT, including by supporting the maintenance and recording of language and enhanced education and leadership skills.  | * Increased number of people participating in cultural, language or leadership activities.
* Increased community engagement through delivery of activities.
* Increased participation and number of activities relating to cultural or language projects.
* Increased number of qualified or accredited interpreters.
* Indigenous languages preserved.
* Social connections and kinship maintained.
 |
| Supporting Land, Sea and Waters Management and Use*Please note: Indigenous Rangers’ ongoing and capital costs are covered by the Indigenous Advancement Strategy. As a result, they are not eligible for ABA funding.* | To enable Aboriginal peoples living in the NT to engage in land, sea and river management activities which assist in protecting and caring for Aboriginal land and country.  | * An increased number of activities on country which provide training and support for jobseekers in areas of sea and land use management.
* Activities should support employment outcomes and provide economic benefits by increasing the number of people employed in full-time equivalent positions. Or, the number of land and sea management jobs created.
* Increased environmental benefits, including carbon offsets, fire management etc.
 |

### Preference to fund suitable Indigenous organisations

The Australian Government has committed to increase funding to Indigenous organisations where grant funding aims to benefit Indigenous Australians. Where there are similarly rated proposals (i.e. where proposals are equally rated in suitability against the assessment criteria), the ABA Advisory Committee may give ordered preference to fund:

1. Organisations with at least 51% members/owners identifying as Indigenous and at least 51% Board members/directors identifying as Indigenous.

2. Organisations with at least 51% members/owners identifying as Indigenous, or 51% board members/directors identifying as Indigenous. And then

3. Any organisation, including non-Indigenous organisations and government bodies, with a demonstrated commitment to increasing Indigenous management, employment, supplier use and/or engagement.

Refer to the section ‘17 Glossary’ for definitions of “owners”, “control” and “management”.

NIAA may gather information from successful applicants to determine the number of Indigenous and non-Indigenous organisations funded through the ABA; and the number and percentage of Indigenous peoples employed in all funded organisations.

NIAA may also gather information from successful applicants about the total value and number of contracts for goods and services that are provided by Indigenous Enterprises (see ‘‘17 Glossary’).

## Grant amount and grant period

### Grants available

The Minister for Indigenous Australians has notionally allocated an annual total of $60 million for ABA grants for each year from 2021–22 to 2022–23, at a total of $120 million over the two-year period.

There is no minimum or maximum amount of grant funding that can be applied for, however the total of all grants must not exceed the annual amount of available funds.

The grant opportunity will remain open until 30 June 2023 or until NIAA closes the funding round. You can apply at any time during this period.

The ABA Advisory Committee will consider value with relevant money and availability of funds to meet priorities in recommending a grant amount. Information on previous grants awarded is available on the [GrantConnect](https://www.grants.gov.au/) website.

###  Grant period

Applicants can apply for funding for activities over multiple years, up to a maximum period of 5 years.

## Eligibility criteria

Your application must satisfy all eligibility criteria.

Community groups that are ineligible to apply for ABA funding are encouraged to consider partnering with an eligible organisation.

**Please note:** the eligibility criteria has broadened since previous rounds.

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

Applicants applying for funding under this ABA Open Grants opportunity[[4]](#footnote-5) must:

* Have an Australian Business Number (ABN) (exemptions may apply in special cases but not for individuals/sole traders).
* Where relevant, be registered for the purposes of GST.
* If an individual, be a permanent resident of Australia.
* Have an account with an Australian financial institution.

AND be one of the following entity types:

* An Aboriginal individual or Aboriginal sole trader.
* An Aboriginal and/or Torres Strait Islander Corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act).*
* A company incorporated in Australia under the *Corporations Act 2001 (*Cth).
* An Incorporated association (incorporated under state/territory legislation, commonly with 'Association' or 'Incorporated' or 'Inc' in their legal name).
* An Incorporated cooperative (also incorporated under state/territory legislation, commonly with ’Cooperative' in their legal name).
* An organisation established through a specific piece of Commonwealth or state/territory legislation including public benevolent institutions.
* An Australian state or territory government body.
* An Australian local government body.
* An incorporated trustee on behalf of a trust[[5]](#footnote-6).
* A partnership.
* A joint, partnership or auspice (consortium) application under a lead organisation that is an eligible entity.

In addition you must:

* Have rectified, or are in the process of rectifying, any issues of previous non-compliance with existing Commonwealth funding agreements to the satisfaction of the Commonwealth. AND
* Be financially viable. The application form has questions about your financial viability. NIAA may undertake its own enquiries in relation to applicants’ financial viability.

### Incorporation requirements

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

* Incorporate under Commonwealth legislation—Indigenous organisations will be required to be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act), and other organisations should incorporate under the *Corporations Act 2001*; and
* Maintain these arrangements while they continue to receive any NIAA funding.

Indigenous Organisations already incorporated under the *Corporations Act 2001* do not have to change their incorporation status.

Organisations may apply for an exemption from this requirement, which will be considered on a case by case basis.

For answers to frequently asked questions in relation to incorporation requirements, please visit <https://www.niaa.gov.au/sites/default/files/files/ia/Strengthening_Organisational_Governance_FAQs_18_May_2015.pdf>. For further information on incorporation requirements please refer to Appendix A.

### Who is ineligible to receive a grant?

Applications from the following are unlikely to be successful:

* an organisation, or your project partner is an organisation, included on the [National Redress Scheme’s](https://www.nationalredress.gov.au/) website on the list of ‘Institutions that have not joined or signified their intent to join the Scheme
* a non-corporate Commonwealth entity
* an unincorporated association
* subject to the NIAA and ABA Advisory Committee’s discretion, an overseas resident
* an organisation or individual not included in Section 4.1
* state and territory governments, however applicants may apply for funding for a project to be implemented in partnership with government
* declared bankrupt or subject to insolvency proceedings—as relevant to the entity type
* named as currently non-compliant under the *Workplace Gender Equality Act 2012*.

Please note: receipt of any grant funding from other Commonwealth, state or territory government granting programs for the same activity may limit the amount of funding you might be entitled to under ABA Open Grants.

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

All applicants must be able to demonstrate that they intend to, and can demonstrate they will be able to comply with all applicable laws if their application is successful. This includes maintaining all qualifications, permits, registrations and licences required for the lawful performance of the activity or service they will provide. This also includes, where relevant, mandatory requirements for:

* Working with Children checks
* Working with Vulnerable People registration
* Industry licenses or registration, and
* Australian Skills Quality Authority accreditation.

For proposals that relate to developing assets on Aboriginal land, such as land covered by the [ALRA](https://www.legislation.gov.au/Details/C2020C00347), a formal form of tenure must be obtained, such as a Section 19 lease under the [ALRA](https://www.legislation.gov.au/Details/C2020C00347). You should work with your local Land Council and local Traditional Owners to obtain tenure and your proposal should confirm the lease is in place or the status of your application in securing a lease.

## What the grant money can be used for

### Eligible grant activities

Your grant activity or projects/services must:

* be delivered in the NT
* be for the benefit of Aboriginal peoples living in the NT
* support the participation of Indigenous organisations wherever possible
* promote employment of Indigenous Australians wherever possible
* not be the responsibility of mainstream government funding (although projects that are the responsibility of mainstream funding may be considered if that funding is not immediately or soon available), and
* align with the objectives of one of the four project categories in **Table 1**.

**Please note**: eligible activities have broadened since previous rounds to include:

* Funding for multi-year projects.
* An administrative costs or wages component for non-ongoing employees.
* Projects that could be funded by the government or mainstream services but where the budget may not be available in the short term.
* Projects where non-Indigenous Australians may deliver a service or project which benefits Indigenous Australians (please provide evidence of community support).

Given the changing and variable impacts of COVID-19 across Australia, activities must be delivered in alignment with relevant government and health advice to limit the risk of transmission of COVID-19, particularly with respect to protecting Elders and those with chronic health issues.

Before commencing an activity, it is your responsibility to develop a COVID-19 Risk Management Plan. The Risk Management Plan must include any potential risks associated with the delivery of an activity, and identify the strategies that you will put in place to minimise those risks. Upon request, you may be required to provide evidence to the NIAA that you have a COVID-19 Risk Management Plan in place. Further advice can be found on the NIAA website: [www.niaa.gov.au/covid-19](http://www.niaa.gov.au/covid-19).

### Eligible locations

Your grant can include activities in different locations, as long as they are all delivered in the NT.

### Eligible expenditure

You can only spend grant funds for agreed and/or eligible grant activities or project services as defined in your grant agreement, unless NIAA otherwise agrees in writing to an alternative use.

You will be required to incur the expenditure on your grant activities or project/services between the dates specified in your grant agreement.

### What the grant money cannot be used for

You cannot use the grant for the following activities:

* Purposes that do not directly contribute to the outcomes of the activity (see **Table 1**), typically including, but not limited to payment of fines or loans, purchase of gifts, personal debts, or sitting fees.
* Expenses and activities for which Commonwealth, state, territory or local government bodies have responsibility and are currently funding. Or, will soon be the source of funding.
* Retrospective costs, costs for the preparation of the grant application, overseas travel, costs incurred before an application is approved, and any other ineligible costs such as wages for ongoing/permanent employees.
* Debt financing or financial investment purposes.

Please note: if you are planning a major project, funding for early project development, including feasibility studies or pilot phases, this may be considered in a stand-alone funding application. Please discuss with the ABA Team on 1800 354 612 or aba@official.niaa.gov.au.

## The assessment criteria

You must address assessment criteria 1 to 3 in your application. Applicants for large projects ($500,000 or above) are also required to provide a project management plan or business plan, as set out in Section 7.7.3.

All criteria are intended to have equal weighting under these guidelines.

Please be advised that letters of support will strengthen your application. However, this is not mandatory.

**Criterion 1: Benefits to Aboriginal peoples in the NT**

To demonstrate this, you must address:

* What project category the grant activity is aligned to (see **Table 1**).
* What project category benefits will be delivered.
* How the grant activity will achieve benefits.
* Who will benefit.
* How the benefits will be measured and sustained over time.
* Proposed efforts to:
* Provide Indigenous employment opportunities (in projects where employment will be generated). AND/OR
* Include Indigenous organisations in your grant activity and broader supply chain (if you are not an Indigenous applicant).

**Criterion 2: The need for the proposed activity within an Aboriginal community or communities**

To demonstrate this, you must address and/or provide:

* Details of which key stakeholders (including the communities and individuals that will benefit) have been identified, consulted, can vouch for the need and are in support of the grant activity.
* Confirmation the grant activity is not the immediate responsibility of mainstream funding sources (you may need to provide evidence to confirm this).
* A statement or statistics that describe the relevant social conditions or circumstances the grant activity seeks to improve.
* The services or facilities that are currently available, if any, to improve these social conditions or circumstances.

**Criterion 3: Capacity to deliver the proposed activity**

To demonstrate this, you must address:

* An outline or other evidence of your capacity to deliver this grant activity, including to manage and acquit the grant. Your experience successfully delivering a similar activity is good evidence.
* For corporations, an outline or other evidence of your governance arrangements.
* The key steps you will take to successfully implement this proposed activity, including experience in delivering a similar activity and whether staff have capacity.
* Evidence that the activity is viable and costed.
* Your identification of risks and how you will manage these risks.
* How you will monitor performance.

You must also ensure that:

* [Indigenous Business Australia (IBA)](https://www.niaa.gov.au/sites/default/files/files/aba-iba-checklist-2021-2.docx) reviews your proposal to provide advice on whether it considers your proposal is viable, with their comments included in your application (if yours is a business project).
* [Indigenous Land and Sea Corporation (ILSC)](https://www.niaa.gov.au/sites/default/files/files/aba-ilsc-checklist-2021.docx) reviews your proposal to provide advice on whether it considers your proposal is viable, with their comments included in your application (if your application is a land acquisition or agriculture project).

## How to apply

Before applying, you must read and understand these guidelines, (and as applicable) the application form and the sample grant agreement.

You must complete an application form to enable the NIAA and ABA Advisory Committee to have sufficient information to assess your proposed activity and to verify your details.

You can begin to prepare your application at any time, however it is recommended you contact the NIAA ABA Team on 1800 354 612 or aba@official.niaa.gov.au once you have read these Grant Opportunity Guidelines. This step is recommended prior to starting an online application to ensure you understand the requirements and are ready to apply.

You can also contact your local Land Council for advice from a Land Council ABA Support Officer.

Please note: discussion with the NIAA about a proposed grant activity **does not guarantee that your application will be approved and funded**. All applications will be assessed according to the assessment process undertaken by the NIAA and ABA Advisory Committee as outlined in these guidelines. The final decision on funding is made by the Minister for Indigenous Australians or delegate.

The process is non-competitive, which means your application will be considered on its merits and priorities for the ABA.

**Step 1: Ensure that your proposed activity aligns with the objective of ABA Open Grants and with one of the ABA project categories.**

Refer to these guidelines to ensure that your proposed activity addresses the overall objective of benefitting Aboriginal peoples living in the NT and with one of the ABA project categories (see **Table 1**).

**Step 2: Ensure you meet all eligibility criteria**

Refer to ‘Section 4: Eligibility criteria’ for further information.

The NIAA ABA Team can provide general advice on eligibility, if required.

**Step 3: Complete the application form ensuring you have addressed all assessment criteria**

This includes:

1. Providing all the information requested, including any attachments.
2. Using the checklist at Appendix B to ensure your application is complete.
3. Submitting your application online.

You will receive an electronic Submission Reference Number once your application has been successfully submitted. Please take note of this reference number as this is how your ABA application is identified when the NIAA fields any queries you have regarding your application.

You can also [visit the specific ABA advice page](https://www.niaa.gov.au/resource-centre/indigenous-affairs/more-information-aba-grants#publication_content_type_view-block_2-5) for in-depth steps.

### NIAA regional presence

The NIAA has a regional presence across the NT. We have offices in Darwin, Alice Springs, Katherine, Tennant Creek and Nhulunbuy, as well as other regional and remote locations. Staff from these offices routinely visit communities across the NT.

Regional Office staff can provide information about the ABA, including advice on whether a proposal is likely to meet eligibility and assessment criteria. A list of NT Regional Office contact details can be accessed [here](https://www.niaa.gov.au/contact-us/regional-network-addresses#Northern%20Territory%20Regions).

The NIAA NT Regional Offices work in partnership with Indigenous Australians, their communities and other stakeholders to develop solutions tailored to address local need. Solutions may involve the implementation of several complementary activities working together to address a particular issue or challenge.

### NIAA National Office

The NIAA National Office, based in Canberra, provides national oversight, policy advice and program management and support to the NIAA Regional Offices in the implementation of the ABA Open Grants.

### NIAA Grants Management Unit

The purpose of the Grants Management Unit (GMU) is to provide high quality, professional grants management and administration services to our stakeholders that supports the outcomes of government, and improves the lives of Indigenous Australians.

The GMU works with its NIAA National and Regional Offices to provide professional grant agreement administration services. The GMU may work with the ABA grants process to ensure grants comply with statutory requirements, regulatory frameworks and NIAA policies (e.g. risk), while complying with the relevant Grant Opportunity Guidelines.

### NT Land Council ABA Support Officers

All four NT Land Councils employ at least one dedicated ABA Support Officer, whose role is to provide greater support for potential ABA grant applicants to discuss and develop high quality ABA applications.

ABA Support Officers are based at Land Councils and use existing infrastructure, local knowledge and networks.

Officers can meet with potential applicants, discuss proposals and offer ideas about how applications can be improved. Officers are not permitted to write applications or be used as a referee, but can provide examples of relevant documents or assist with contacting IBA or ILSC. Officers will also be able to identify individuals to develop grant activities or form consortiums.

For further information and to speak to an ABA Support Officer, please contact your local Land Council.

### Timing of grant opportunities

You can submit an application at any time over the duration of the grant opportunity. The grant opportunity will run from 16 August 2021 to 30 June 2023. Late applications will only be considered in exceptional circumstances.

The NIAA aims to notify you of the outcome of your application within 6 weeks from the date of each meeting of the ABA Advisory Committee when recommendations are made on applications. The meeting schedule for the ABA Advisory Committee can be viewed on the [NIAA’s website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

### Joint applications

Organisations may want to join together as a group to deliver a grant activity. For joint (consortia) applications, you must appoint a ‘lead organisation’ to submit the application and to enter into a grant agreement with the Commonwealth if the application is successful.

If an applicant applies on behalf of a group of organisations (consortium) the application must include a letter of support from each participating organisation (apart from the lead applicant) involved in the activity.

If you are applying in a consortium, you will need to provide additional information and documentation (see Section 7.7.7 below).

### Attachments to the application

We require the following documents with your application (further detail in subsections below):

* Evidence of bank account details.
* Itemised indicative budget that is (GST exclusive).
* Project management plan or business plan for proposals over $500,000.
* Indigenous Business Australia (IBA) viability assessment for business/enterprise proposals.
* Indigenous Land and Sea Corporation (ILSC) viability assessment for agriculture/land acquisition proposals.
* Recent financial statements for non-government organisations who do not have a current grant agreement with NIAA or previously with the Department of the Prime Minister and Cabinet.
* If applying in a joint (consortia) application, a letter of support from each joint member.

#### Bank account details

All applicants must provide evidence of bank account details, such as a copy of a current bank statement.

#### Budget

A budget using the template provided on the [GrantConnect](http://www.grants.gov.au/) and the [ABA website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

* The budget should include a breakdown of costs and funding for each financial year and reflect the amount of funding being requested in the application.
* Other financial or non-financial contributions should not be included as this information will be captured separately in the application form.
* All amounts must be GST exclusive.

#### Proposals over $500,000—Project Management Plan or Business Plan

Any **applications requesting over $500,000** that **are not** business/enterprise proposals must include a project management plan.

The level of detail required in the project management plan depends on the complexity of the project. For example, a plan for a complex project would include:

* Statement of objectives and expected outcomes.
* Project scope and components.
* Budget for the life of the project.
* Project timeline outlining when each milestone is to be completed.
* Risk assessment with mitigation strategies.
* Performance framework outlining how the project will be monitored and measured.
* Cost benefit analysis stating the benefits it will provide, including Aboriginal employment (if relevant).
* Stakeholder consultation plan outlining who has been consulted, the outcome of consultations and other proposed consultations.

 Any **applications requesting over $500,000** and that **are** business/enterprise proposals must include a business plan. If you submit a business plan you will not be required to submit a project management plan unless a complex part such as major construction is included. In addition to the project management plan content above, the business plan must include:

* Information to demonstrate the viability of the proposal and how it and the grant will be effectively managed.
* Actual and anticipated revenue (which may require market or customer analysis).

#### Viability assessment—IBA and/or ILSC

Indigenous Business Australia (IBA) viability assessments must be sought for applications that are business/enterprise proposals.

* For business/enterprise applications you must consult with IBA. This will provide an independent assessment of viability on your proposal. You will also be able to discuss IBA’s suite of support for Indigenous business.

Indigenous Land and Sea Corporation (ILSC) viability assessments must be sought for proposals that relate to land acquisition or agriculture.

* For applications relating to land acquisition, land management or agriculture you should consult with ILSC. This will provide an independent opinion on your proposal. You will also be able to discuss ILSC’s suite of support for Indigenous business.

#### Non-government applicants without a current NIAA grant agreement (or formerly as Department of the Prime Minister and Cabinet)

If you are a non-government applicant who does not have a current grant agreement with the NIAA or with the Department of the Prime Minister and Cabinet (PM&C), you should provide the following documentation with your application:

* A copy of your most recent financial statements to help determine the terms and conditions of funding and specifically risk controls if your application is successful and you intend to enter into a grant agreement. This may be as an audited financial statement (audited expenditure report), income and expenditure statement, or a balance sheet to inform your Organisation Risk Profile (ORP).
* Incorporation details if you are an incorporated entity, possibly including your certificate of incorporation or constitution (organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement).
* A completed ATO [‘Statement by a supplier (reason for not quoting an ABN to an enterprise)’ form](https://www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/) if you are not able to quote an ABN.

#### Evidence of your organisation’s indigeneity

If you indicate that your organisation is Indigenous owned and/or controlled you may be required to provide additional information, such as a completed declaration (particularly if you are not registered or certified on Supply Nation or incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act). **Please note**: Supply Nation registration is based on at least 50% ownership. If you are actually 51% owned and controlled, you will need to complete a declaration to be identified in that category for NIAA funding (unless you are also incorporated under the CATSI Act).

#### Consortium applications (including joint, partnership or auspice applications)

We recognise that some organisations may want to join together as a group to deliver a grant activity or project/services.

In these circumstances, you must appoint a ‘lead organisation’. Only the lead organisation can submit the application form and enter into a grant agreement with the Commonwealth, though other parties may have obligations set out in the relevant funding agreement. The application must identify all other members of the proposed group and include a letter of support from each of the partners.

Each letter of support should include:

* Details of the partner organisation.
* An overview of how the partner organisation will work with the lead organisation and any other partner organisations in the group to successfully complete the grant activity or project/services.
* An outline of the relevant experience and/or expertise the partner organisation will bring to the group.
* The roles/responsibilities of the partner organisation and the resources they will contribute (if any).
* Details of a nominated management level contact officer.
* Any resources each party will contribute.

You should have an arrangement in place with all parties prior to execution of the agreement.

### Completing the Application Form

#### Key personnel

You should provide the names of key personnel in the application form. Key staff include Director/s, Chief Executive Officer, Finance Officer, and the Accountant or Auditor of the organisation.

#### Before lodging an application

Before lodging an application or signing a grant agreement, you must read and understand these guidelines.

It is recommended you look through the application form before starting it to ensure you are able to complete it. The form and a sample grant agreement can be found on the [GrantConnect](https://www.grants.gov.au/) and [ABA website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

#### False or misleading information

You are responsible for ensuring your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). We will investigate any apparent false or misleading information which may exclude your application from further consideration.

#### Size limit for application

The size limit for each application including attachments is 10MB. Within this limit, there is also a 2MB size limit for each attachment. NIAA’s information technology system is unable to receive applications that exceed this limit. Any applications above 10MB will not be received.

Where the inclusion of supporting documentation leads to an application exceeding the 10MB limit, applicants may email copies of the supporting documentation to: aba@official.niaa.gov.au

When sending ensure that you:

1. Email your application prior to the round closing.

2. Inform the ABA Team that you have emailed the attachments. They can be contacted on 1800 354 612.

#### Declaration in application form

In the application form you are asked to declare you understand and agree the information you have provided is true and correct and you have read, understood and agreed with the terms and conditions of the application. This declaration must be completed by the applicant or a person authorised to act on behalf of the applicant.

#### Submitting your application

You must submit your application form online. You will receive an electronic Submission Reference Number once your application has been lodged with NIAA. You should keep a copy of your application, Application ID Number and any supporting documents.

### Questions during the application process

If you have any questions during the application process, including if you are unable to submit your application, please contact the ABA Team on 1800 354 612 or aba@official.niaa.gov.au. The NIAA will endeavour to respond to emailed questions within three working days.

Answers to questions may also be posted on [GrantConnect](https://www.grants.gov.au/).

### Legal and financial advice

NIAA does not provide legal or financial advice (including taxation) to applicants or grantees. Applicants or grantees should seek their own independent professional advice on financial and legal matters, including compliance with any statutory obligations.

### Indigenous interpreters

If necessary in the course of the application process, interpreters will be provided in line with the Commonwealth Ombudsman’s Best Practice Principles for interpreting. Please refer to the [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).

### Disability

Where possible and relevant, the proposed activity should take into account the needs of Australians with disability including how the proposal supports one or more of the six policy outcome areas outlined in the [*National Disability Strategy 2010-2020*](https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020)*.*

### Supporting equitable access, including gender equity

Where relevant, applications should include equitable access and opportunity for Aboriginal women as well as men in the proposed grant activity or service/project. While this is not a specific assessment criterion, you may wish to include gender equity as part of your response to assessment criterion 1 ‘Benefit to Aboriginal peoples in the NT’.

## The grant selection process

### Assessment of grant applications

We first review your application against the eligibility criteria to determine the completeness, compliance and eligibility of your application. If your application does not meet the eligibility criteria, we will notify you. You may be asked to provide further information or clarification to enable your application to proceed to assessment.

We consider eligible applications through an open non-competitive grant process. The NIAA and ABA Advisory Committee assesses all applications against the assessment criteria and whether it provides value with relevant money.[[6]](#footnote-7) Key considerations in determining value with relevant money include cost, the quality and purpose of the grant activity, intended outcomes, alignment with ABA Open Grants objectives and relevant experience of the applicant.

The ABA Advisory Committee then reviews applications and rates them as:

* Not Recommended
* Recommended with Changes, or
* Recommended.

If you are an applicant who already receives ABA Open Grants funding we may assess your application against the assessment criteria and also consider your previous performance, demonstrated capability to deliver the activity, and/or other information which has been made available to the NIAA or ABA Advisory Committee.

As noted in Section 2.5, preference will be given to fund suitable Indigenous organisations.

Refer to the Section ‘17. Glossary’ for definitions of “owners”, “control” and “management”.

#### The use of additional information in assessment

The NIAA and ABA Advisory Committee may draw on sources other than your application to verify claims in your application, which may include but are not limited to:

* Information from within the NIAA available through the normal course of business such as knowledge about your previous performance.
* Information about you or your application from other Commonwealth, state, territory or local government agencies, whether or not you nominated them as a referee.
* Representatives from an Indigenous community or organisation, or subject-matter experts, who are on an assessment panel, whether or not you nominated them as a referee.
* Recommendations from Aboriginal and Torres Strait Islander local and regional decision-making groups and organisations.

For information on how the NIAA treats personal and confidential information, please see Section 15 below.

### Who will assess applications?

Assessment panels will be established by NIAA and include Agency staff with relevant knowledge. The panel will assess your application against the assessment criteria and in accordance with the CGRGs. Assessment panels may seek expert advice from outside of NIAA when assessing applications.

To maintain probity, staff involved in developing proposed grant activities or projects/services with applicants will not be involved in assessing the application.

NIAA will then provide assessment advice on each proposal to the ABA Advisory Committee for its consideration. The ABA Advisory Committee will review applications and make a recommendation to the Minister for Indigenous Australians about whether to agree to negotiate funding for the proposed grant. The recommendation will be based on the merits of the application including consideration of the assessment, risk and value with relevant money; priority areas of need; and availability of funding.

#### The ABA Advisory Committee

The ABA Advisory Committee is established under Section 65 of the [ALRA](https://www.legislation.gov.au/Details/C2020C00347) and assesses all ABA Open Round applications against the assessment criteria.

The ABA Advisory Committee consists of a Chair appointed by the Minister and members nominated from each land council in the NT. The Minister may also appoint up to two Expert Members with professional expertise in land management or business or financial management.

A list of ABA Advisory Committee members is provided on the [ABA web page](https://www.niaa.gov.au/resource-centre/indigenous-affairs/aboriginals-benefit-account-advisory-committee-abaac).

### Who will approve grants?

The Minister for Indigenous Australians or their delegate, as the decision-maker, approves grants, considering the assessment undertaken by the NIAA and recommendations of the ABA Advisory Committee and the availability of grant funds.

The decision-maker’s decision is final in all matters, including the:

* approval to negotiate grant conditions, and
* grant funding amount to be awarded.

## Notification of application outcomes

NIAA will notify all applicants of the outcome of their application, including whether their application was successful, unsuccessful or ineligible, via the email address nominated on the application form.

As a guide, NIAA aims to notify applicants of the grant funding outcome within 6 weeks of the latest ABA Advisory Committee meeting.

### Feedback on your application

If your application is unsuccessful, you may seek feedback on your application through contacting the ABA Team at 1800 354 612 or aba@official.niaa.gov.au.

## Successful grant applications

### The grant agreement

If you are successful, to take up the grant you must enter into a legally binding grant agreement with the Commonwealth. Under the ABA Open Grants this may be through a letter of offer or standard grant agreement, or another form of agreement specified by the Commonwealth.

The type of grant agreement and its mandatory terms and conditions will depend on the size and complexity of your funded project activity(s), as well as the level of risk associated with the activity. Sample grant agreements are available on [GrantConnect](https://www.grants.gov.au/?event=public.GO.list) at [grants.gov.au](http://www.grants.gov.au) and the [ABA website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

The grant agreement will provide a detailed description of the funded activity(s) and associated specific terms and conditions, which will include some or all of the following:

* project start and end dates
* expenditure items
* key performance indicators and/or other performance reporting requirements
* financial reporting requirements
* mandatory requirements for Working with Children checks
* Working with Vulnerable People checks
* mandatory requirements to comply with applicable work health and safety obligations including those provided under Commonwealth work health and safety legislation
* insurance requirements including compliance with the [*Work Health and Safety Act 2011*](https://www.legislation.gov.au/Details/C2018C00293) (Cth) to cover your obligations in relation to the grant funding to be delivered
* compliance with the Australian Privacy Principles as set out in Schedule 1 of the [*Privacy Act 1988*](https://www.legislation.gov.au/Details/C2021C00139). Further information about privacy and confidentiality is also included at Section 15 of this document
* requirements to maintain the confidentiality of any information deemed by the Commonwealth or the grantee to be confidential, and
* record keeping requirements.

Unless otherwise agreed in writing, you must incur expenditure of the grant only on the expenditure items in the grant agreement between the project start and end date. The agreement may in fact specify dates for the expenditure of certain expenditure items.

To give integrity to the preference to fund suitable Indigenous organisations, your grant agreement may also contain conditions that your organisation must maintain a specified percentage of Indigenous ownership, control, management or employment and be able to provide evidence of this, on request. You may also be required to notify the NIAA if you have a change in circumstances that means you no longer meet these conditions.

You will work with an Agreement Manager from the NIAA NT Regional Office or National Office to manage the grant agreement effectively.

NIAA will execute a grant agreement with you before we make any payments. There is no guarantee of funding until both parties have executed a grant agreement, and the NIAA is not responsible for any of your expenditure until a grant agreement is executed.

If you choose to start your grant activities or projects/services before you have an executed grant agreement, you do so at your own risk (including incurring financial costs that may not be covered by the grant agreement).

If you fail to meet the terms and conditions of the grant agreement, the NIAA may terminate the agreement.

### **Management of Debt and Underspend**

A previous debt or underspend of an [Indigenous Advancement Strategy](https://niaa-intranet.ssp.pmc.gov.au/ouragency/our-business/IAS) grant may influence the outcome of an application, including an awarded grant amount. The Agency reserves the right to recover underspends of one grant via offsets in another. Offsetting involves reducing future grant payments up to the amount of the underspend. If a debt has been incurred, the Agency may seek return of those funds or pursue other remedies.

### Negotiation of funded activities

Before a grant agreement is entered into, NIAA will, consistent with the content of your application, negotiate the scope of the project activity and the terms and conditions with you. Relevant community stakeholders may also be involved in these negotiations to ensure the activity is tailored to meet local community or regional need.

These negotiations will occur before a decision on the grant is made.

If there are unreasonable delays in finalising a grant agreement, the grant offer may be withdrawn and the grant may be offered to a different applicant.

### Execution of the grant agreement

You will have 30 days from the date of a written offer to execute the grant agreement with the NIAA on behalf of the Commonwealth or in accordance with other instructions provided by the NIAA in writing. During this time, we will work with you to finalise the agreement.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend the 30-day agreement negotiating period between offer and signing.

### Specific legislation, policies and industry standards

You are required to be compliant with all relevant laws and regulations.

### How we pay the grant

Funding will be paid in accordance with the terms and conditions of the grant agreement.

NIAA may make an initial payment on execution of the grant agreement. Subsequent payment of funding, whether quarterly, biannually or annually, is dependent on you complying with the grant agreement requirements, including satisfactory progress against performance and financial reporting milestones. You will 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.

The funding provided by the NIAA will not exceed the total funding amount set out in the funding agreement. If your expenditure exceeds the amount granted you must pay this additional expenditure yourself.

### GST

Payments will be Goods and Services Tax (GST) inclusive unless you are not registered for GST or certain exceptions set out in the GST legislation apply. Subject to those exceptions, we will add GST to your grant payment and issue you with a Recipient Created Tax Invoice.

Unless otherwise indicated by the NIAA, all figures quoted in grant documentation will be GST exclusive.

Grants may be assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent advice on your taxation obligations or seek assistance from the [Australian Taxation Office](https://www.ato.gov.au/).[[7]](#footnote-8) We do not provide advice on taxation matters.

### Grant agreement variations

The NIAA recognises that unexpected events may affect the implementation of your project, or the project may not be achieving results consistent with the grant agreement. In these circumstances, either you or the NIAA can request a variation to the grant agreement, which may include:

* changing key performance indicators
* extending the timeframe for completing the grant
* changing some grant activities, and
* reducing funding.

If either the NIAA or you want to propose changes to the grant agreement, either party must put to the other its concerns, issues and proposed changes in writing before the grant agreement end date.

You should not assume that a variation request will be approved. The NIAA will consider your request based on factors such as:

* how it might affect the grant activity’s intended outcome(s), and
* availability of program funding.

All decisions to vary a grant agreement must be mutually agreed to between you and the NIAA before a variation is provided for the parties to execute, and variation to activities, milestones and timelines should not occur before execution.

If the project scope from the original application changes, the proposed variation will need to go back to the ABA Advisory Committee and the Minister for approval.

## Risk and compliance

In managing risk and compliance, NIAA will work with you to achieve the intended outcomes of the grant activity. The risk management approach will focus management effort where risk levels are high, and supports consistent application of appropriate grant controls based on assessed risks.

The type of grant agreement and its terms and conditions will depend on the nature of the activity and the level of risk involved at both the **organisation** and **activity** levels. You will be advised of both the organisation and activity risk levels prior to the negotiation of your grant agreement.

As a principle, higher risk activities will typically be subject to increased controls and greater oversight. The intent of this is to work with organisations to overcome risks. Conversely, low risk activities will be subject to less oversight and management, which may include a single annual payment and reduced reporting.

### Organisational risk assessment

At the time a grant application is assessed, or an existing grant is considered for extension, an Organisation Risk Profile (ORP) is completed.

The ORP is an evidence-based tool that assesses an organisation’s governance, financial management and service delivery capability. The ORP enables consistent and transparent assessment by Agency staff.

### Activity risk assessment

All ABA grant activities undergo an Activity Risk Assessment (ARA) to determine whether the grant activity risk is low, medium, high or extreme. This assessment takes into account the ORP rating, the annualised value of the grant activity and the nature of the activity.

This approach enables the application of standard grant agreement requirements, controls and management approaches for low, medium, high or extreme risk grant activities, while also building in controls for any special requirements that apply, such as working with vulnerable people and work health and safety.

Please note: the ORP and ARA help to determine the level of controls applied to your grant agreement, noting that if your ARA is high or extreme, an annual audited expenditure report will be a standard requirement under your grant agreement.

### Non-compliance

The NIAA will work with you to achieve the intended outcomes of the activity. In circumstances of non-compliance with the grant agreement, the NIAA will consider an appropriate response in accordance with the ALRA and the grant agreement.

## Announcement of grants

Once your grant is executed, it will be listed on the [GrantConnect](https://www.grants.gov.au/) website within 21 calendar days after the grant execution date, as required by Section 5.3 of the *CGRGs.*

## How we monitor your grant activity

The NIAA uses a number of approaches to monitor ABA grant activities. These include:

* On-the-ground monitoring, predominately through the NIAA NT Regional Offices.
* Periodic grantee reporting on the performance of activities against key performance indicators.
* Financial reports.
* Where necessary, compliance visits and records inspections.

### On-the-ground monitoring

The NIAA uses an active 'on-the-ground' strategy to monitor the ABA grantees and their project activities primarily through the NIAA NT Regional Offices. This can involve site visits, discussions with community members and recipients of the project’s services, and ongoing contact with the grantees.

A priority is active engagement to assist with early identification and treatment of activity delivery risks and other issues as they arise.

### Key performance indicators

NIAA, in conjunction with the grant recipient, will set key performance indicators for each activity to measure progress against identified outcomes. These will be set out in the grant agreement.

NIAA has two mandatory key performance indicators to provide consistency across funding agreements. In addition, NIAA may, negotiate extra individual key performance indicators with the successful applicant, based upon the type of grant funded.

The grant recipient will be assessed against the key performance indicators over the course of the funded activity.

### Performance reports

Under the grant agreement, you will be required to periodically report on the overall progress and performance of your activity, and against the key performance indicators in your grant agreement. The frequency and content of reporting requirements will depend on the funded activity and will be contained in the grant agreement. NIAA will also source a range of data and information to inform its judgement.

In completing performance reports, you are encouraged to be open about the status of the activity, any service delivery risks and issues, and to provide data to support any claims made. This instils confidence in your management reporting systems and allows us to better work with you to improve performance, if necessary.

NIAA may also request further information or action from you to support monitoring in line with the conditions outlined in the grant agreement.

### Financial reports

Under the grant agreement, financial reports are required from providers as evidence that funds have been expended for the purposes as per the grant agreement and so any underspend or overspend can be managed.

The annual value of the grant and the risk assessment of the grantee and the activity determine the financial reporting requirements. The default financial reporting requirement is one report per year, which may be increased where there is a higher grant value and higher risk. Financial reporting requirements will be specified in the grant agreement.

### Compliance visits and record keeping

We may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. If necessary, we may also inspect, copy or remove and retain the records you are required to keep according to the grant agreement. We will provide you with reasonable notice of any compliance visit.

### Keeping us informed

You should let NIAA know if anything is likely to affect your grant activity or organisation by contacting NIAA’s contact officer listed in your grant agreement as soon as possible.

We need to know of any relevant changes to your organisation, to your individual circumstances if you are an individual grantee or to your organisation’s business activities, particularly if they affect your ability to complete your grant activity, carry on business and pay debts due.

You must also inform us of any changes to the following:

* name
* addresses
* nominated contact details
* bank account details
* ABN
* GST registration or status
* indigeneity of your organisation, or
* obligations to the ATO, including if you or your organisation has an outstanding and overdue ATO debt.

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

### Record keeping

You must comply with the record keeping requirements as set out in the grant agreement.

### Evaluation

We may evaluate the grant activity to investigate how well the outcomes and objectives have been achieved and to ensure the activity has achieved value with relevant money.

We may use information from your application and performance reports for this purpose. We may also interview you, or ask you for more information to help us evaluate how effective your grant activity has been in achieving its outcomes and objectives.

Quality evaluation will help NT Aboriginal peoples and communities to see whether they are getting the results they expect from the ABA and to assist the Commonwealth Government in its administration of the ABA. It will help determine to what extent outcomes have involved local people in driving change, and if or how projects or activities individually or collectively produce or enable long-term impact. It may assist government with future investment decisions.

### Acknowledgement of funding

If you make a public statement about a grant activity funded under the program, you can acknowledge the financial support by using the Australian Government crest together with ‘*Proudly funded by the Aboriginals Benefit Account’*.

## Probity

The Australian Government will make sure that the grant opportunity process is fair, according to these published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

These guidelines may be changed from time-to-time. When this happens, the revised guidelines will be published on [GrantConnect](http://www.grants.gov.au/) and [ABA website](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding).

### Enquiries and feedback

If you would like to make a complaint about a grant process phone (02) 6152 3050 or email complaints@niaa.gov.au.

If you do not agree with the way the NIAA has handled your complaint, you may wish to contact the Commonwealth Ombudsman. The Ombudsman will not usually investigate a complaint unless the matter has first been raised directly with the NIAA.

The Commonwealth Ombudsman can be contacted on:

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

### Conflicts of interest

Conflicts of interest can affect the performance of the ABA Open Grants. There may be an actual [conflict of interest](http://www.apsc.gov.au/publications-and-media/current-publications/aps-values-and-code-of-conduct-in-practice/conflict-of-interest), a perceived conflict of interest, or a potential conflict of interest, if the NIAA’s staff, any member of the ABA Advisory Committee, panel or adviser and/or you or any of your personnel, including subcontractors has:

* A professional, political, commercial or personal relationship with a party who or is perceived to be able to influence the application selection process, such as an Australian Government officer.
* A relationship with or interest in an organisation or individual, which is likely to interfere with or restrict the successful applicants from carrying out the proposed activities fairly and independently.
* A relationship with, or interest in, an organisation or individual from which they will receive personal gain because the organisation or individual receives an ABA grant under.
* A similar set of circumstances that may create an actual, potential or perceived conflict of interest.

You will be asked to declare, as part of your application, any actual, perceived or potential conflicts of interests or that, to the best of your knowledge, there is no conflict of interest.

NIAA will make the final decision on what is determined as an actual, potential or perceived conflict of interest.

If you later identify an actual [conflict of interest](http://www.apsc.gov.au/publications-and-media/current-publications/aps-values-and-code-of-conduct-in-practice/conflict-of-interest), a perceived conflict of interest, or a potential conflict of interest, you must inform NIAA in writing immediately and provide further information to the satisfaction of NIAA.

Committee members and other officials including the decision maker must also declare any conflicts of interest.

ABA Advisory Committee members and other officials including the Minister for Indigenous Australians as the ultimate decision maker must also declare any conflicts of interest.

## Privacy and confidentiality

### Personal information

As part of your application, you declare your ability to comply with 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) and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with your project, 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 NIAA would breach an Australian Privacy Principle as defined in the Act. We handle personal information in accordance with the [*Privacy Act 1988*](https://www.legislation.gov.au/Details/C2014C00076) and the Australian Privacy Principles. Personal information we collect will be used for the purposes of selecting applicants, assessing and administering grants. We may disclose personal information about grant applicants and grantees to other entities as set out further below, or where disclosure is otherwise authorised under the Privacy 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 on our website at [niaa.gov.au](http://www.niaa.gov.au/) or email privacy@niaa.gov.au for a copy of the policy.

### Confidential Information

We will treat the information you give us as sensitive and therefore confidential if 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, and
3. revealing the information would cause unreasonable harm to you or someone else.

### How we use personal and confidential information

The Australian Government may use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes giving information to the Australian Taxation Office and other government agencies for compliance purposes.

We may reveal personal and confidential information to:

* ABA Advisory Committee, as the review panel. This may also include NIAA officers, community representatives and/or subject matter experts, and other Commonwealth employees and contractors to help us manage the program effectively.
* Employees and contractors of the NIAA so we can research, assess, monitor and analyse our funded 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 our program reports and consultations.
* The Auditor-General, Ombudsman or Privacy Commissioner.
* The responsible Minister or Parliamentary Secretary.
* A House or a Committee of the Australian Parliament.

We may share the information you give us with other Commonwealth agencies for any purposes including government administration, research or service delivery and according to Australian laws.

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

### Your responsibilities

You may be required to declare your ability to comply with the [*Privacy Act 1988*](https://www.legislation.gov.au/Details/C2014C00076)*,* including the Australian Privacy Principles and impose the same privacy obligations on any subcontractors you engage to assist with the activity.

### 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).*

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: The 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 Indigenous Australians and communities across Australia.

## Glossary

| Term | Definition |
| --- | --- |
| ABA | Aboriginals Benefit Account |
| 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/) |
| ALRA | [*Aboriginal Land Rights (Northern Territory) Act 1976*](https://www.legislation.gov.au/Details/C2020C00347) |
| assessment criteria | Are the specified principles or standards, against which applications are intended to be assessed. These criteria are also used to assess the merits of proposals. |
| decision maker | The person who makes a decision to award a grant. |
| eligibility criteria | Refer to the criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria. |
| 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.](https://www.legislation.gov.au/Details/C2017C00269) |
| [*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.  |
| Control | Control refers 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:* **Directors and Secretary –** Company Limited by Shares, Company Limited by Guarantee, Cooperatives
* **Management Committee and Public Officer** **–** ORIC-Registered Indigenous Corporations, Incorporated Associations
* **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 (ASIC) website](http://www.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* (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). |
| 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[[8]](#footnote-9) or other [Consolidated Revenue Fund](https://www.finance.gov.au/resource-management/pgpa-glossary/consolidated-revenue-fund/) (CRF) money[[9]](#footnote-10) 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. A grant agreement comprises the Head Agreement, the Project Schedule and any documents attached or incorporated by references into either of those documents.The Head Agreement sets out the general terms and conditions that apply to all ABA Grant Opportunity funded projects for a particular grantee.The Project Schedule sets out specific terms and conditions that apply to particular projects.  |
| [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. |
| 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. |
| grantee | The individual/organisation which has been selected to receive a grant. |
| IBA  | Indigenous Business Australia. |
| Indigenous Enterprise | An entity with at least 50 per cent Indigenous ownership, as outlined in the [Indigenous Procurement Policy](https://www.pmc.gov.au/sites/default/files/publications/indigenous_procurement_policy.pdf). |
| ILSC | Indigenous Land and Sea Corporation. |
| Indigenous Organisation*(Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix 2. It does not relate to the IGP)* | Aligns with sections 29-5 and 246-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) and Regulation 6 of the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2017*. * If the corporation has five (5) or more members – at least 51 per cent of the members are Indigenous Australians.
* 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
* 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 s 246-5 of the CATSI Act – A majority of the directors must be Indigenous Australians. |
| Land Council | There are four Land Councils in the NT, established by the ALRA: * [Anindilyakwa Land Council](https://anindilyakwa.com.au/) (ALC)
* [Central Land Council](https://www.clc.org.au/) (CLC)
* [Northern Land Council](https://www.nlc.org.au/) (NLC), and
* [Tiwi Land Council](https://tiwilandcouncil.com/) (TLC).
 |
| Management | Persons with the responsibility for the day-to-day operation of the funded organisation. It includes:* the CEO (or equivalent)
* the people occupying the highest positions in relation to:
	+ service delivery;
	+ finances;
	+ operations (e.g. property, ICT); and/or
	+ human resources.
 |
| NIAA | National Indigenous Australians Agency (formerly known as Prime Minister & Cabinet or PM&C). |
| Owners | Depending on legal entity type, “Owners” may be based on your:* **Members –** ORIC-registered Indigenous corporations, companies limited by guarantee, incorporated associations
* **Shareholders –** companies limited by shares, cooperatives
* **Proprietors/partners –** Sole traders, actual person partnerships
* **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). |
| PGPA Act | The [*Public Governance, Performance and Accountability Act 2013*](https://www.legislation.gov.au/Details/C2017C00269)is a piece of Commonwealth legislation that establishes a coherent system of governance and accountability for public resources, with an emphasis on planning, performance and reporting.The PGPA Act applies to all Commonwealth entities and Commonwealth companies, including the NIAA and NT Land Councils. |
| selection criteria | Comprise eligibility criteria and assessment criteria. |
| 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 | Value with relevant money in this document is a 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
* absence of a grant is likely to prevent the grantee and government’s outcomes being achieved, and
* potential grantee’s relevant experience and performance history.
 |

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 should:

* Incorporate under Commonwealth legislation—Indigenous organisations will be required to incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Details/C2021C00201)and other organisations will be required to incorporate under the [*Corporations Act 2001*](https://www.legislation.gov.au/Details/C2021C00214).
* Maintain these arrangements while they continue to receive any ABA 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.

Indigenous organisations already incorporated under the [*Corporations Act 2001*](https://www.legislation.gov.au/Details/C2021C00214) do not have to change their incorporation status. However, all other Indigenous organisations in scope of this policy must incorporate under the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Details/C2021C00201) so 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.

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 Commonwealth’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](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/incorporation-requirements) policy. Applications for exemption must be submitted using the process outlined by NIAA. Details about the exemptions policy can be found on the [Agency’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 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 Indigenous organisations transferring to the [*Corporations (Aboriginal and Torres Strait Islander) Act 2006*](https://www.legislation.gov.au/Details/C2021C00201) is available through the [Office of the Registrar of Indigenous Corporations](https://www.oric.gov.au/) (ORIC). This includes assistance in developing a [rulebook](https://www.oric.gov.au/start-corporation/rule-book), guidance on the process to transfer incorporation, and access to pro bono legal assistance through the [LawHelp](https://www.oric.gov.au/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/Details/C2021C00201) or the [*Corporations Act 2001*](https://www.legislation.gov.au/Details/C2021C00214) 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, NIAA will provide a one-off $10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred.**

Please refer to [Incorporation requirements](https://www.niaa.gov.au/indigenous-affairs/grants-and-funding/incorporation-requirements%20for) on the Agency’s website at for further information.

Appendix B. Application checklist

Before you submit an application, it is recommended the following checklist be used to ensure the application is complete and contains the information needed for the application and assessment process.

|  |  |
| --- | --- |
|  | The proposal has been discussed with the Aboriginal and Torres Strait Islander groups who will be involved in the project and with other groups with an interest in the project. |
|  | The proposal has been discussed with the ABA Team, local NIAA Regional Office and/or Land Council ABA Support Officers.  |
|  | If applicable, the proposal has been discussed with IBA and/or ILSC.  |
|  | Any issues raised by NIAA about the proposal have been considered and addressed. |
|  | Eligibility requirements set out in the Grant Opportunity Guidelines are met. |
|  | Evidence can be provided to demonstrate incorporation and/or Indigeneity status where applicable. |
|  | These guidelines have been read and understood. |
|  | ABA objectives and outcomes are understood and the proposed activity(s) contributes to the outcomes of the ABA. |
|  | The assessment criteria are understood and met. |
|  | The draft grant agreement has been read. When an application is submitted applicants must confirm that, if their application is successful, they will accept the terms of the grant agreement. If you are not able to accept the terms of the agreement, you should discuss this with the NIAA Regional Office before completing the application form. |
|  | The name and contact details of two referees who can support the claims made in the application against the assessment criteria can be provided. |
|  | If the applicant has a current NIAA grant agreement, have the Provider Reference Number ready.The ‘Provider Reference Number’ can be found on the grant agreement.  |

Completing the application form

|  |  |
| --- | --- |
|  | Ensure every section of the application form is completed.  |
|  | Complete the application form in English. |
|  | Complete the ‘Declaration’ section of the application form. Ensure all fields are completed including the checkboxes. If completing the form online, instead of signing the document, the applicant, or person authorised to act on behalf of the applicant, should type their full name in the field. |

*Consortia applicants:*

|  |  |
| --- | --- |
|  | Ensure the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the Commonwealth. |
|  | Attach a letter of support from each consortia organisation. Ensure that each letter of support includes the information required as set out in section 7.7.7 of this document. |

*Non-government applicants who do not have a current grant agreement with NIAA*

If you are a non-government applicant and do not have an existing grant agreement with NIAA you will need to attach the following supporting documentation:

|  |  |
| --- | --- |
|  | A copy of the applicant’s most recent financial statements, such as an audited expenditure report, income and expenditure statement, or a balance sheet. |
|  | A copy of the applicants Certificate of Incorporation where relevant.Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement. |
|  | If the applicant is not able to quote an ABN as required in the application form they will be required to provide a copy of a completed ‘Statement by a supplier (reason for not quoting an ABN to an enterprise)’ form that can be found on the [ATO website.](http://www.ato.gov.au/)  |

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. NIAA and the ABA Advisory Committee **may** consider projects where the primary recipient is an Indigenous person, but which also support non-Indigenous people to deliver a service or project that benefits Indigenous Australians. [↑](#footnote-ref-3)
3. <https://www.finance.gov.au/sites/default/files/2019-11/commonwealth-grants-rules-and-guidelines.pdf> [↑](#footnote-ref-4)
4. Or your lead agency in the case of a joint (consortia) application. NIAA recognises that some organisations may seek to form consortia in order to apply for a grant under the Program. Consortia are eligible to apply and the relevant conditions applicable to consortia are at 7.6` Joint Applications’ [↑](#footnote-ref-5)
5. A trust itself is not a legal entity and cannot enter into a grant agreement. [↑](#footnote-ref-6)
6. [↑](#footnote-ref-7)
7. <https://www.ato.gov.au/> [↑](#footnote-ref-8)
8. Relevant money is defined in the PGPA Act. See Section 8, The Dictionary. [↑](#footnote-ref-9)
9. Other CRF money is defined in the PGPA Act. See Section 105, Rules in relation to other CRF money. [↑](#footnote-ref-10)