



Australian Government

National Indigenous Australians Agency

Indigenous Advancement Strategy The Indigenous Land Enterprise Infrastructure Fund Grant Opportunity Guidelines

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Closing date and time:	11.30 pm (AEDT) on 8 November 2021 Note: The National Indigenous Australians Agency (the NIAA or the Agency) may amend the closing date and time at its own discretion by issuing a notice through the GrantConnect website.
Commonwealth policy entity:	National Indigenous Australians Agency (NIAA)
Enquiries:	If you have any questions, contact NIAA Housing and Infrastructure Branch at ileif@niaa.gov.au. Questions should be sent no later than 28 October 2021
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Contents

1. Indigenous Advancement Strategy: The Indigenous Land Enterprise Infrastructure Fund processes	4
1.1 Introduction	5
2. About the Indigenous Advancement Strategy Remote Australia Strategies program and Closing the Gap	5
2.1 About the Indigenous Land Enterprise Infrastructure Fund grant opportunity.....	6
2.1.1 About the Indigenous Land Enterprise Infrastructure Fund—Advisory Services Provider	7
2.2 NIAA regional presence and National Office	7
3. Grant amount and grant period	8
3.1 Grants available	8
4. Eligibility criteria	8
4.1 Who is eligible to apply for a grant?.....	8
4.1.1 Eligible grant activities	9
4.2 Who is not eligible to apply for a grant?.....	9
4.3 What qualifications, skills or checks are required?	10
4.4 Incorporation requirements	10
5. What the grant money can be used for	10
5.1 Eligible grant activities	10
5.2 Eligible locations	11
5.3 Eligible expenditure.....	11
5.4 What the grant money cannot be used for	11
6. The assessment criteria	12
7. How to apply	13
7.1 Attachments to the application.....	14
7.1.1 Evidence of Indigenous ownership	15
7.2 Joint (consortia) applications	15
7.3 Timing of grant opportunity processes.....	15
7.4 Questions during the application process.....	16
8. The grant selection process	16
8.1 Assessment of grant applications	16
8.2 Indigenous Grants Policy Trial	16
8.3 Who will assess applications?	17
8.4 Who will approve grants?	17
9. Notification of application outcomes	18
9.1 Feedback on your application	18
10. Successful grant applications	18
10.1 The grant agreement	18
10.2 Negotiation of funded activities.....	19

10.3	Execution of the grant agreement.....	19
10.4	How we pay the grant	19
10.5	Grants Payments and GST.....	20
10.6	Risk and compliance.....	20
11.	Announcement of grants	21
12.	How we monitor your grant activity.....	21
12.1	Keeping us informed.....	21
12.2	Reporting	22
12.3	Grant agreement variations	22
12.4	Record keeping.....	22
12.5	Evaluation	22
12.6	Acknowledgement.....	23
13.	Probity.....	23
13.1	Enquiries and feedback	23
13.2	Conflicts of interest	23
13.3	Privacy	24
13.4	Confidential Information	24
13.5	Freedom of information.....	25
14.	Glossary.....	25
	Appendix 1. Incorporation requirements.....	31
	Appendix 2: Application checklist.....	33

1. Indigenous Advancement Strategy: The Indigenous Land Enterprise Infrastructure Fund processes

The Indigenous Land Enterprise Infrastructure Fund is designed to achieve Australian Government objectives

This grant opportunity is part of the Indigenous Advancement Strategy (Remote Australia Strategies program) which contributes to NIAA's Outcome 1, to support economic development in remote Australia. NIAA works with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines \(CGRGs\)](#).

The grant opportunity opens

We publish the grant guidelines on [GrantConnect](#). You may choose to seek advice from the external advisory service to help you with your application (see section 2.1.1).



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.



We assess all grant applications

We assess the applications against eligibility criteria and notify you if you are not eligible, if applicable. We assess your eligible application against the assessment criteria including an overall consideration of value with money and compare it to other applications.



We make grant recommendations

We provide advice to the decision maker on the merits of each application.



Grant decisions are made

The decision maker decides which applications are successful.



We notify you of the outcome

We advise you of the outcome of your application. We may not notify unsuccessful applicants until grant agreements have been executed with successful applicants.



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 risks involved.



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 of the Indigenous Land Enterprise Infrastructure Fund

We evaluate your specific grant activity and the Indigenous Land Enterprise Infrastructure Fund as a whole. We base this on information you provide to us and that we collect from various sources.

1.1 Introduction

These guidelines contain information for the Indigenous Land Enterprise Infrastructure Fund grants.

You must read these guidelines before filling out an application.

This document sets out:

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

These guidelines do not apply to procurement activities. The procurement of goods and services are undertaken in accordance with the Commonwealth Procurement Rules, Accountable Authority Instructions and Financial Rules of the Agency, and the provisions of the [Public Governance Performance and Accountability Act 2013](#).

Any alterations and addenda¹ to these Guidelines will be published on [GrantConnect](#).

2. About the Indigenous Advancement Strategy Remote Australia Strategies program and Closing the Gap

The Indigenous Advancement Strategy (IAS) is one way the Australian Government funds and delivers programs for Indigenous Australians. There are a number of grant opportunities under the IAS, including the grants process outlined in these guidelines. Visit [our website](#) for more information on the IAS.

The Indigenous Land Enterprise Infrastructure Fund is a targeted competitive grant opportunity under the IAS's Remote Australia Strategies (RAS) program. The RAS program addresses the disproportionate disadvantage of Indigenous Australians in remote Australia.

The desired outcomes of the RAS program are to support local priorities and contribute to improved education, employment and community safety outcomes in remote Australia through:

- delivery of flexible, tailored local solutions in remote areas of Australia; and
- improved infrastructure in remote areas of Australia.

Infrastructure is one of the foundations that support improved employment. Activities that can be funded through the RAS Program include:

- New, discrete infrastructure projects.
- Support for renewable energy systems that contribute to identifiable outcomes under the IAS.
- Increased access to, maintenance of and training in telecommunications, including infrastructure that builds on existing services to increase access or coverage and digital literacy and/or cyber safety training.

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.

The Commonwealth will only provide funding for infrastructure when the following conditions are met:

- There is a clear understanding of who owns the asset and who will be responsible for ongoing repairs, maintenance, and other costs.
- Secure land tenure is in place.
- Any associated costs including but not limited to rates, insurance, or connection to essential services (such as power, water and sewerage) have been considered and factored into the budget and project timeframes (the Commonwealth will generally not provide funding for ongoing service costs).
- The construction complies with all relevant Commonwealth and state/territory legislation.

The IAS contributes to Closing the Gap (CtG) between Indigenous and non-Indigenous Australians by providing grant funding for activities that address areas of need for Indigenous Australians that align with CtG targets.

To ensure the best outcomes, the IAS has a focus on:

- Aligning investment with CtG targets.
- Ensuring Indigenous Australians are actively involved in the development, delivery and evaluation of local and regional solutions, including deciding how they will be involved.
- Drawing on the strengths of Indigenous Australians and communities, and building capacity in Indigenous organisations and businesses.
- Increasing the number of Indigenous organisations delivering grants for the benefit of Indigenous Australians, where this is supported by value with money, and/or engaging organisations who are committed to improving Indigenous outcomes.
- Using evidence and innovation to develop solutions or improve existing approaches.
- Building an effective evidence base to ensure funding delivered through the IAS improves the lives of Indigenous Australians and communities.
- Fostering engagement between government, Indigenous organisations, Indigenous Australians and communities, and other stakeholders such as experts and business.

For more information about the Closing the Gap, see [our website](#).

We administer the program according to the [Commonwealth Grants Rules and Guidelines](#) (CGRGs)².

2.1 About the Indigenous Land Enterprise Infrastructure Fund grant opportunity

The Indigenous Land Enterprise Infrastructure Fund (the grant opportunity) will run from 2021-22 to 2022-23. The grant opportunity was announced as part of the Indigenous Skills and Jobs Advancement Package in the 2021-22 Budget to help communities recover from COVID-19, support economic growth and provide jobs on country.

The grant opportunity is limited to activities taking place in Remote or Very Remote Australia (refer to Glossary for definition).

² <https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf>

The grant opportunity is available to Indigenous entities operating in the primary industries. This includes but is not limited to entities operating in agriculture, horticulture, mining, aquaculture, fishing, forestry and livestock management.

The grant opportunity is also available to Indigenous entities undertaking land management or caring for country. This includes a wide range of environmental, natural resource and cultural heritage management activities. For example, dust mitigation, burning, fire management, weed and feral animal control.

This grant opportunity contributes to building stronger economic participation and the development of people and their communities. It will also contribute to achieving the Closing the Gap target relating to community infrastructure currently under development.

This grant opportunity will contribute to this target by achieving its objective to:

- support economic opportunities in remote Australia by providing grant funding to existing Indigenous entities for minor infrastructure projects that will expand or improve the viability of their activities in the primary industry and/or land management industries. Economic opportunities in this context includes business growth, sustainability and Indigenous employment.

The intended outcomes of the grant opportunity are:

- New and/or improved infrastructure for Indigenous entities in remote Australia.
- Increasing employment opportunities in the primary and land management industries.
- Supporting the expansion into or improvement of primary industry and/or land management activities undertaken by Indigenous entities in remote Australia.

The Australian Government has announced a total of \$10 million over two years for the Indigenous Land Enterprise Infrastructure Fund. A maximum of \$500,000 has been allocated to fund the Indigenous Land Enterprise Fund advisory service (see below).

2.1.1 About the Indigenous Land Enterprise Infrastructure Fund—Advisory Services Provider

The Agency has procured an external Indigenous Land Enterprise Infrastructure Fund advisory service that can provide you with information that may assist in preparing your application. It is **not** mandatory to consult the service. The service **can**:

- provide you with **up to two hours** of generalist or technical information about infrastructure design, supply and installation (to meet business needs and increase viability/sustainability).

The service **cannot**:

- assist you with writing your application.

To access the advisory service, contact the NIAA Housing and Infrastructure Branch at ileif@niaa.gov.au.

It is important to note any information you receive from the advisory service about a grant activity or the lodgement of an application form **does not guarantee your activity will be funded**.

2.2 NIAA regional presence and National Office

The Agency has a regional presence (the NIAA Regional Offices) across Australia. We have offices in capital cities, and regional and remote locations (Figure A). Staff from these offices routinely visit over 400 communities. We also have an Agency officer in residence in nearly 50 Indigenous communities.

Agency staff in NIAA Regional Offices can provide information about the IAS, including whether a proposal is or is not consistent with regional priorities. A list of NIAA Regional Offices and contact details is available [here](#).

The NIAA Regional Offices works 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.

The NIAA Regional Offices have strong relationships with other Australian Government agencies and departments; state; territory and local government, as well as non-government and industry partners. Staff within each region work with these groups to ensure applications complement existing services and leverage local opportunities.

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 IAS.

3. Grant amount and grant period

3.1 Grants available

A total of \$9.5 million in grant funding will be available over 2021-22 and 2022-23.

At least \$4.75 million will be available for this grant opportunity in 2021-22, however the Agency may fund additional activities if a high volume of suitable applications are received. It is anticipated that another grant opportunity will be available in 2022-23, to offer the remaining balance of the \$9.5 million.

The 2021-22 grant opportunity will run from 1 October 2021 to 8 November 2021.

- The maximum grant amount you can apply for is \$300,000 (GST Exclusive).

Projects need to be completed within 12 months of executing a grant agreement, unless otherwise agreed with the Agency.

If you receive funding under this grant opportunity, you will not be eligible to apply for the same opportunity in the immediate subsequent financial year. However, you may still be eligible for other NIAA grant opportunities.

4. Eligibility criteria

We cannot consider your application if you do not satisfy all the eligibility criteria.

4.1 Who is eligible to apply for a grant?

To be eligible you must:

- be an existing legal entity that has been in operation for at least 12 months prior to application
- be financially viable
 - The application form has questions about financial viability and you will be asked to submit a budget as part of the application process (see 7.1). The Agency may undertake its own enquiries in relation to the applicant's financial viability.
- have an Australian Business Number (ABN) (exemptions may apply in special cases)
- where relevant, be registered for the purposes of GST
- have an account with an Australian financial institution

- be an entity with at least 50% Indigenous ownership (see section 14 Glossary for definition of 'Ownership')

and be one of the following entity types:

- a company incorporated in Australia under the [Corporations Act 2001 \(Cth\)](#)
- an Aboriginal and/or Torres Strait Islander Corporation registered under the [Corporations \(Aboriginal and/or Torres Strait Islander\) Act 2006](#)
- an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name)
- an incorporated cooperatives (incorporated under state/territory legislation, commonly have 'Cooperative' in their legal name)
- an incorporated trustee on behalf of a trust³
- a partnership
- a joint (consortia) application with a lead organisation that satisfies the entity type⁴
- an individual with an ABN, operating as a sole trader.

In addition you must:

- have rectified any issues of previous non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth, or be in the process of rectifying any issues of non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth.

4.1.1 Eligible grant activities

To be eligible for this opportunity, your application must:

- be applying for a grant amount of \$300,000 (GST Exclusive) or less
- be proposing to deliver the grant in **remote or very remote Australia** (see section 5.2 'Eligible Locations' and 14 'Glossary' for definition of 'remote')
- be undertaking or intending to undertake primary industry or land management activities (see section 14 'Glossary' for definitions of 'primary industry' and 'land management')

4.2 Who is not eligible to apply for a grant?

You are not eligible to apply if you are:

- an organisation, or your project partner is an organisation, included on the [National Redress Scheme's](#) website on the list of 'Institutions that have not joined or signified their intent to join the Scheme'
- a non-corporate Commonwealth entity
- an unincorporated association
- subject to the Agency's sole discretion, an overseas resident
- an organisation or individual not included in section 4.1
- declared bankrupt or subject to insolvency proceedings—as relevant to the entity type

³ A trust itself is not a legal entity and cannot enter into a grant arrangement.

⁴ The Australian Government 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 7.2 'Joint Applications'

- named as currently non-compliant under the [Workplace Gender Equality Act 2012](#).

4.3 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 and/or Working with Vulnerable People registration (as required by the jurisdiction in which the activity will take place)
- Industry licenses or registration, or
- Australian Skills Quality Authority accreditation.

4.4 Incorporation requirements

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

- Incorporate under Commonwealth legislation—Indigenous organisations will be required to incorporate under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006](#) and other organisations will be required to incorporate under the [Corporations Act 2001](#).
- Maintain these arrangements while they continue to receive any IAS funding.

Indigenous organisations already incorporated under the [Corporations Act 2001](#) do not have to change their incorporation status. However, all other Indigenous organisations must be incorporated under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006](#) so they can access the assistance and support available under the Act.

For further information on incorporation requirements please refer to Appendix 1.

5. What the grant money can be used for

5.1 Eligible grant activities

The grant is to be used for items that support development of Indigenous entities in the primary industry or land management industries, including any of the following grant activities:

- Business related or industry-specific infrastructure, including but not limited to:
 - off-grid solar power systems
 - upgrades to water infrastructure (such as bores)
 - fences
 - stock yards
 - water storage (such as tanks and troughs)
 - dam silt traps
 - sheds
 - irrigation systems.
- Where possible and relevant, your proposed Indigenous Land Enterprise Infrastructure Fund activity should take into account:
 - How the project addresses the Closing the Gap target outlined at section 2.1 – ‘About the Indigenous Land Enterprise Infrastructure Fund grant opportunity’

- The cultural and linguistic needs of Indigenous Australians and others whose first language is not English, and be mindful of the Commonwealth Ombudsman's Best Practice Principles for interpreting. [Use of Interpreters - Commonwealth Ombudsman](#)
- The needs of Australians with disability including how the proposal supports one or more of the six policy outcome areas outlined in the Department of Social Services [National Disability Strategy 2010-2020](#).
- Differing barriers and opportunities experienced by subsets of the target community, including Indigenous men and women, and the impact these might have on access to funded activities—this could include articulating the specific ways delivery of the activity will address barriers to participation for different groups. For example, how the activity will support gender equitable outcomes in the community.

5.2 Eligible locations

The infrastructure funded under this program must be delivered in remote or very remote Australia as per the Australian Statistical Geography Standard Remoteness Structure. You can determine whether the infrastructure would be delivered in a remote or very remote location via the Australian Bureau of Statistics Maps available at: abs.gov.au/absmaps/index.html or by referring to the map at Figure A of these guidelines.

5.3 Eligible expenditure

You can only spend grant funds for agreed and/or eligible grant activities as defined in your grant agreement, unless we otherwise agree in writing to an alternative use. Eligible expenditure items must relate to the eligible grant activity and may include items such as construction, materials, surveying, contractors and shipping.

We may update the guidelines on eligible and ineligible expenditure from time to time. If your application is successful, the version in place when you submitted your application applies to your grant.

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

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

Unless otherwise agreed in writing by the Commonwealth, you must incur the expenditure on your grant activity between the start date and end or completion date for your grant activity or it to be eligible.

5.4 What the grant money cannot be used for

Grant funding cannot be used for a purpose that does not directly contribute to the outcomes of the grant activity.

You cannot use the grant for the following activities:

- Activities that do not clearly align to the identified outcomes of the Indigenous Land Enterprise Infrastructure Fund.
- Purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) payment of fines or loans, purchase of gifts, personal debts, or sitting fees.
- Costs incurred in the preparation of a grant application or related documentation unless specifically agreed with the Agency.

- Activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.
- Expenses for which other Commonwealth, state, territory or local government bodies have primary responsibility to provide the source of funding, unless otherwise specifically agreed with the Agency.

Other prohibited costs include:

- costs associated with ongoing operation and maintenance of infrastructure;
- purchase of land;
- activities outside remote or very remote Australia;
- wages;
- the covering of retrospective costs;
- marketing campaigns;
- subsidy of general ongoing administration of an organisation such as electricity, phone and rent; and
- overseas travel.

6. The assessment criteria

You must address all of the following assessment criteria in the application (note that there is a 2000 character limit per criterion, including spaces). All criterion have equal weighting.

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

Criterion 1 - Need

You should demonstrate this through identifying how the grant:

- Will assist your entity to improve or expand the viability of your activities in primary industry and/or land management.
 - Please describe what business activities your entity currently does and, if applicable, what business activities you would like to expand into.
- Will support improved economic outcomes such as business growth and increased employment opportunities.
- Contributes to Closing the Gap target/s, as outlined at section 2.1 - About the Indigenous Land Enterprise Infrastructure Fund grant opportunity.

Criterion 2 - Capability

You should demonstrate this by describing how:

- Your resources and capability will support you to deliver the infrastructure project.
- You can successfully manage the expenditure of the grant funding.
- You have the skills and experience to maintain your business activities in the field of primary industry or land management OR you have the ability to expand into primary industry/land management activities.
- The risks associated with the proposed funding activity, including work health and safety risks, will be managed.
- You will fund any gap between the maximum grant amount and the funding required for your proposed infrastructure project (e.g. by financial contributions by you and/or a third party).

Criterion 3 – Delivering outcomes

You should demonstrate this by:

- Describing how the proposed infrastructure will complement your business activities or services.
- Describing how you will maintain the infrastructure into the future to maximise business growth and employment opportunities.
- Describing how your entity learns from experience and feedback, and how you can adapt the infrastructure project to improve outcomes.

7. How to apply

The grant process is competitive, which means your application will be considered on its merits and will be compared to other applications.

It is important to note any discussion with the Agency about a grant activity or the lodgement of an application form **does not guarantee your activity will be funded.**

Before applying, you must read and understand these guidelines and the sample grant agreement.

These documents may be found at [GrantConnect](#). Any alterations and addenda⁵ will be published on GrantConnect and by registering on this website, you will be automatically notified on any changes. GrantConnect is the authoritative source for grants information.

To apply you must:

- complete the online Indigenous Land Enterprise Infrastructure Fund application form on [GrantConnect](#);
- provide all the information requested;
- address all eligibility criteria and assessment criteria;
- include all necessary attachments; and
- submit your application using the online form by 11:30pm (AEDT) on 8 November 2021.

A checklist is available at Appendix 2 to assist you with making sure that your application is complete.

You are responsible for ensuring that your application is complete and accurate. Giving false or misleading information is a serious offence under the [Criminal Code 1995](#) and we will investigate any false or misleading information and may exclude your application from further consideration.

If you find an error in your application after submitting it, you should contact the NIAA Assessment Management Office immediately at IASAMO@niaa.gov.au.

You cannot change your application after the closing date and time. We do not have to accept any additional information, nor requests from you to correct your application after the closing time.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

⁵ 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

You should keep a copy of your application and any supporting documents.

You will receive an electronic Application ID Number once you lodge your application.

We will acknowledge that we have received your application within two working days.

If you need further guidance around the application process or if you are unable to submit an application online, contact the NIAA Housing and Infrastructure Branch.

7.1 Attachments to the application

We require the following documents with your application:

- Evidence of bank account details, such as a copy of a current bank statement.
- Itemised indicative budget that is GST exclusive—the budget should include:
 - A breakdown of costs and funding for the project period.
 - Total funding being requested.
 - Details of funding from other sources that will contribute to the costs of the activity outlined in the application, this should include confirmation of whether the funding is approved.
 - Details of any applications for funding that are currently awaiting a decision and include the nature of the support for example, funding contribution, in kind support, resources and expertise.
- A document containing (as applicable):
 - A list of your key personnel, including your Chief Executive Officer, Chief Financial Officer, Chief Operating Officer and Directors (or equivalents), including names and position titles.
 - An organisation chart for your organisation. AND
 - If applicable, a chart of associated entities, as defined by s50AAA Corporations Act, (Cth) showing the relationships between companies, including levels of ownership and control.
- Evidence of Indigenous ownership, see Section 7.1.1

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

- A copy of your most recent financial statements such as an audited financial statement (audited expenditure report), income and expenditure statement, or a balance sheet to inform your Organisation Risk Profile (ORP).⁶
- A copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement).
- A copy of a completed ATO 'Statement by a supplier (reason for not quoting an ABN to an enterprise)' form if you are not able to quote an ABN.

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. We will not consider information in attachments that we do not request.

⁶ The ORP and the Activity Risk Assessment (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. For further information, please refer to section 10.8.

7.1.1 Evidence of Indigenous ownership

You must provide evidence that your organisation is at least 50% Indigenous owned. The NIAA contracts Supply Nation to maintain a free registry of Indigenous entities known as 'Indigenous Business Direct'.

- Organisations are also recognised as Indigenous entities if they are on the public register maintained by the Office of the Registrar of Indigenous Corporations (ORIC).
- If your business is not listed with Supply Nation or ORIC, you may provide evidence of your business' Indigenous ownership through a statutory declaration (template available on GrantConnect), declaring that the entity is 50% more Indigenous owned.

7.2 Joint (consortia) applications

We recognise that some organisations may want to come together as a group to deliver the activity.

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. The application must identify all other members of the proposed group and include a letter of support from each of the partners. Please note that your lead organisation must meet the eligibility criteria for this opportunity, including the requirement to be at least 50% Indigenous owned.

Each letter of support should include:

- Details of the partner organisation (including the percentages of Indigenous ownership, control and/or management).
- An overview of how each partner organisation will work with the lead organisation and any other partner organisations in the group to successfully complete the infrastructure project.
- An outline of the relevant experience and/or expertise each partner organisation will bring to the group.
- The roles/responsibilities of each partner organisation and the resources they will contribute, (if any).
- Details of a nominated management level contact officer at each partner organisation.

You must have a formal arrangement in place with all parties prior to execution of the agreement.

7.3 Timing of grant opportunity processes

We reserve the right not to accept a late application, but may consider the degree of lateness and whether the cause was beyond your control—such as COVID-19-related restrictions on travel, or natural disasters.

If you are successful, we expect you will be able to commence your grant activity around February/March 2022.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	November 2021 – January 2022
Approval of outcomes of selection process	January – February 2022
Notification to successful and unsuccessful applicants	February 2022

Activity	Timeframe
Negotiations and award of grant agreements	February – March 2022
Earliest start date of grant activity	March 2022
Earliest end date of grant activity or agreement	March 2023

7.4 Questions during the application process

If you have any questions during the application period, please contact NIAA Housing and Infrastructure Branch at ileif@niaa.gov.au.

The Agency does not provide financial or legal advice 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.

8. The grant selection process

8.1 Assessment of grant applications

We will first review your application against the eligibility criteria. If you do not meet the eligibility criteria, we will not assess your application and will notify you if this is the case.

We consider eligible applications through an open competitive grant process.

If eligible, we will then assess your application against the assessment criteria (see Section 6) and against other applications. We consider your application on its merits, based on:

- how well it meets the criteria;
- how it compares to other applications; and
- whether it provides value with relevant money.⁷

The Agency assesses all applications against the assessment criteria and considers value with money. This enables applications to be rated on whether they ‘fully meet’, ‘partially meet’ or ‘do not meet’ the assessment criteria.

When assessing the extent to which the application represents value with relevant money, we will have regard to:

- the overall objective/s to be achieved in providing the grant;
- the relative value of the grant sought;
- the quality and purpose of the grant activity;
- alignment with the grant opportunity;
- relevant experience of the applicant; and
- the extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives.

8.2 Indigenous Grants Policy Trial

The IAS is part of a trial of the Indigenous Grants Policy (IGP), announced on 12 February 2018 by the former Prime Minister and the former Minister for Indigenous Affairs. The trial commenced on 1 July 2018. NIAA is one of three government agencies participating in the trial, which is intended to test how best to achieve the following objectives:

⁷ See glossary for an explanation of ‘value with money’.

- Increase the involvement of Indigenous Australians and organisations in the grant funded services and programs that are intended to benefit them.
- Improve on-the-ground service delivery for Indigenous Australians.
- Leverage the Australian Government’s investment to stimulate greater economic development for Indigenous Australian peoples.

Please note: to be eligible for this grant opportunity you must be an entity with at least 50% Indigenous ownership. Where two **eligible** proposals are similarly ranked⁸, the Agency will give ordered preference to:

- Indigenous Organisations (at least 51% Indigenous ownership and at least 51% Indigenous control). Then
- Organisations with at least 50% Indigenous control or management

Additionally, organisations with greater demonstrated commitment to increasing Indigenous employment, supplier use and/or engagement will be preferred if all other assessment consideration is equal.

Refer to the section ‘14. Glossary’ for definitions of “ownership”, “control” and “management”.

As part of the IGP Trial, the Agency may gather information to determine the number of Indigenous and non-Indigenous organisations funded through the IAS and the number and percentage of Indigenous peoples employed in all funded organisations.

The Agency may also gather information from grantees about the total value and number of contracts for goods and services that are provided by Indigenous Enterprises (see ‘14. Glossary’).

To support the integrity of the IGP, the Agency may request further evidence of your organisation’s Indigeneity.

8.3 Who will assess applications?

An assessment committee will assess each application on its merit and compare it to other eligible applications before recommending which grant applications should be awarded a grant. The assessment committee will be made up of Agency staff.

We may ask external experts/advisors to inform the assessment process. Any expert/advisor, who is not a Commonwealth Official, will be required/expected to perform their duties in accordance with the CGRGs.

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

The assessment committee will then put forward a recommendation to the Minister for Indigenous Australians, or the Agency delegate, on which applications to approve for a grant. The recommendation will be based on the merits of the application including consideration of the assessment, risk and value with money; priority areas of need; and availability of funding.

8.4 Who will approve grants?

The person who makes the decision on your application will be based on the funding sought and the risk of the activity. The Minister for Indigenous Australians or the Agency delegate, as the

⁸ Applications will be ranked as “Meets”, “Partially meets” or “Does not meet” the criteria.

decision-maker, approves grants, taking into account the recommendations of the Agency and the availability of grant funds.

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

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

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

9. Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we will advise you of any specific conditions attached to the grant.

9.1 Feedback on your application

If your application is unsuccessful, you may seek feedback on your application by contacting NIAA's Housing and Infrastructure Branch.

If you are unsuccessful, you may ask for feedback within 30 days of being advised of the outcome. We aim to give written feedback within 30 days of your request.

If you are unsuccessful in this grant opportunity, you will be able to submit a new application for the same activity (or a similar activity) in any future grant opportunities under the program. In doing so, you should include information to address any weaknesses that may have prevented your previous application from being successful.

10. Successful grant applications

10.1 The grant agreement

You must enter into a legally binding grant agreement with the Commonwealth.

We use two types of grant agreements in this program. Our selection will depend on the size and complexity of grant activities proposed, as well as the level of risk associated with the activity.

Each agreement has general terms and conditions that cannot be changed. Sample grant agreements are available on GrantConnect.

The grant agreement will provide a detailed description of the funded activity and specific terms and conditions, which may include:

- key performance indicators and performance reporting requirements
- financial reporting requirements
- a funding payment schedule
- 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](#) 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](#). Further information about privacy and confidentiality is also included at section 13 of this document

- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential
- record keeping requirements.

To give assurance 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 Agency 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 Regional Office](#) or National Office to effectively manage the grant agreement.

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

If you choose to start your grant activities 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 obligations of the grant agreement, the Agency may terminate the grant agreement. The Agency or the Commonwealth may also recover grant funds if there is a breach of the grant agreement.

The Agreement incorporates appropriate safeguards against fraud and unlawful activities and includes the right to request the removal of personnel for other inappropriate conduct or associations that may cause reputational damage to the Agency or Commonwealth.

10.2 Negotiation of funded activities

Before a grant agreement is entered into, the Agency will negotiate the scope of the 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.

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.

10.3 Execution of the grant agreement

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

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period.

10.4 How we pay the grant

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

- maximum grant amount to be paid;
- any financial contributions you are making; and
- any financial contribution provided by a third party.

The funding provided by the Agency 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.

10.5 Grants Payments and 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 Agency, all figures quoted in grant documentation will be GST exclusive.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#).⁹ We do not provide advice on your particular taxation circumstances.

10.6 Risk and compliance

In managing risk and compliance, the Agency 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.

- **Organisation** 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 IAS 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.

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.

The Agency will work with you to achieve the intended outcomes of the activity. In circumstances of non-compliance with the grant agreement, the Agency will consider an appropriate response under the grant agreement, including recovery of grant funds or termination of the agreement.

⁹ <https://www.ato.gov.au/>

11. Announcement of grants

If successful, your grant will be listed on the GrantConnect website 21 calendar days after the date of effect as required by Section 5.3 of the [CGRGs](#).

The Minister for Indigenous Australians may choose to make a media announcement about successful applications.

12. How we monitor your grant activity

The Agency uses a number of approaches to monitor IAS activities. These include the below.

- On-the-ground monitoring, predominately through the NIAA Regional Offices
 - The Agency uses an active 'on-the-ground' strategy to monitor grantees and activities primarily through the NIAA Regional Offices. This can involve site visits, discussions with community members and service recipients, and ongoing contact with the grantees. A priority for the Agency is active engagement to assist with early identification and treatment of activity delivery risks and other issues as they arise.
- Periodic reporting by the provider on the performance of activities
 - The Agency, in conjunction with the grant recipient, will set key performance indicators for each activity to measure progress against identified outcomes, including applicable Closing the Gap targets. The Agency may include key performance indicators to inform broader data sets, such as Indigenous employment data. These will be set out in the grant agreement. The grant recipient will be assessed against all key performance indicators over the course of the funded activity.
- Compliance operations, where necessary
 - We may visit you during or after the completion of your grant activity to review your compliance with the grant agreement. We may also inspect, copy or remove and retain the records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit.

12.1 Keeping us informed

You should let us know if anything is likely to affect your grant activity or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your grant, carry on business and pay debts due.

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details
- ABN
- GST registration or status
- any instance where your organisation may no longer meet the definition of an Indigenous organisation (if it initially did)
- if 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.

12.2 Reporting

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. The Agency 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.

Financial reports are required from grantees to provide evidence that funds have been expended for the purposes provided as agreed and so that any underspend or over spend can be managed. The annual value of the grant and the risk rating of the grantee and the activity determine the financial reporting requirements. The default financial reporting requirement is one report per year. Financial reporting requirements will be specified in the grant agreement.

12.3 Grant agreement variations

We recognise that unexpected events may affect your progress, or the project may not be achieving results that are consistent with the Agency's priorities. In these circumstances, either the Agency or you can request a variation to the grant agreement, including:

- changing key performance indicators or milestones
- extending the timeframe for completing the grant
- changing grant activities
- reducing funding.

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

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

- how it affects the grant activity outcome
- consistency with the program policy objectives and any relevant policies of the Agency
- changes to the timing of grant payments
- availability of program funding.

All decisions to vary a grant agreement must be mutually agreed to between you and the Agency before a variation is provided for the parties to execute.

12.4 Record keeping

We may also inspect the records you are required to keep under the grant agreement. This may include any compliance records or Work Health and Safety risk assessments.

12.5 Evaluation

We will evaluate the grant opportunity to measure how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes.

Quality evaluation will help Indigenous Australians, communities and government to see whether they are getting the results they expect; to determine to what extent solutions have involved local people in driving change; how projects or activities collectively produce or enable long-term impact; and assists government with future investment decisions.

12.6 Acknowledgement

If you make a public statement about a grant activity funded under the program, we require you to acknowledge the grant by using the following:

'This grant activity received grant funding from the Australian Government.'

13. Probity

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

13.1 Enquiries and feedback

If you would like to make a complaint about a grant process email NIAAComplaints@niaa.gov.au.

If you have any questions about grant decision for this grant opportunity, contact the NIAA Housing and Infrastructure Branch or your [NIAA Regional Offices](#) (listed at niaa.gov.au/contact-us/regional-network-addresses).

If you do not agree with the way the NIAA has handled your complaint, you may complain to the [Commonwealth Ombudsman](#). The Ombudsman will not usually look into 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

13.2 Conflicts of interest

Conflicts of interest can affect the performance of the grant opportunity or program. There may be an actual conflict of interest, a perceived conflict of interest, or a potential conflict of interest, if the Agency's staff, any member of a committee, panel or advisor and/or you or any of your personnel, including subcontractors and volunteers has, but not limited to:

- 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 a Australian Government officer or member of an external panel.
- A relationship with or interest in, an organisation or individual, which is likely to interfere with or restrict the 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 receives a grant under the grant program/grant opportunity.

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. The Agency 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, a perceived conflict of interest, or a potential conflict of interest, you must inform the Agency in writing immediately and provide further information to the satisfaction of the Agency.

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

Conflicts of interest for Australian Government staff will be handled as set out in the Australian Public Service Code of Conduct (Section 13(7)) of the *Public Service Act 1999*.

13.3 Privacy

We treat your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

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

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

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

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

The [Agency's Privacy Policy](#) contains information about how you can access the personal information held by the Agency 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 or email privacy@niaa.gov.au for a copy of the policy.

13.4 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.
3. Revealing the information would cause unreasonable harm to you or someone else.

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:

- The assessment panel, which may include Agency 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 our Agency so we can research, assess, monitor and analyse our programs and activities.
- Employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery.
- Other Commonwealth, state, territory or local government agencies in program reports and consultations.
- The Auditor-General, Commonwealth 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.

13.5 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](#) (FOI Act).

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

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

By mail: The Freedom of Information Coordinator
National Indigenous Australians Agency
PO Box 2191
Canberra ACT 2601

By email: foi@niaa.gov.au

14. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the Public Governance, Performance and Accountability Act 2013
assessment criteria	are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings.

Term	Definition
commencement date	the expected start date for the grant activity
completion date	the expected date that the grant activity must be completed and the grant spent by
date of effect	can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable.
decision maker	the person who makes a decision to award a grant
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.
Commonwealth entity	a Department of State, or a Parliamentary Department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act
Commonwealth Grants Rules and Guidelines (CGRGs)	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.
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: <ul style="list-style-type: none"> a. under which relevant money¹⁰ or other Consolidated Revenue Fund (CRF) money¹¹ is to be paid to a grantee other than the Commonwealth; and b. 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

¹⁰ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

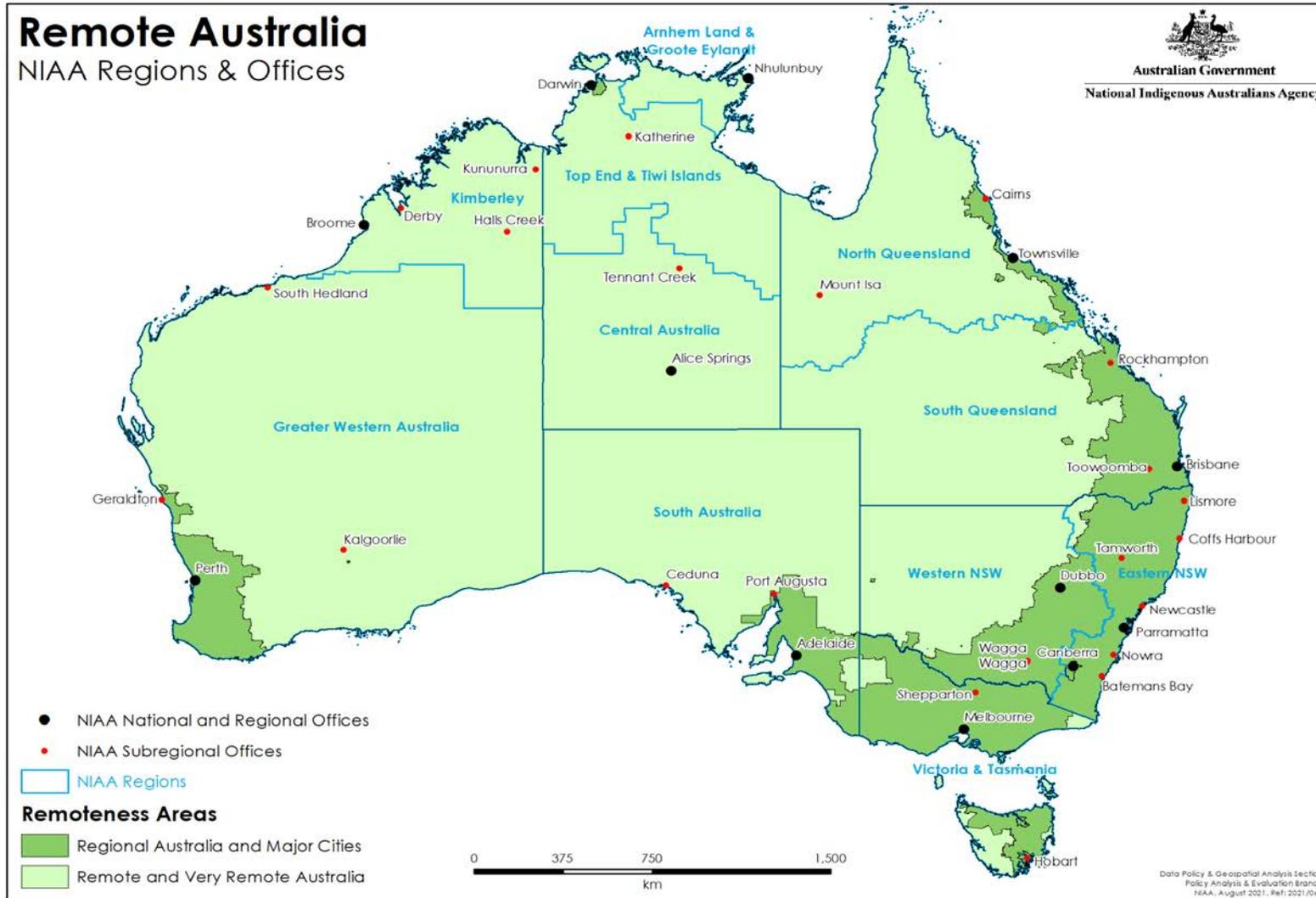
¹¹ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
GrantConnect	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
Indigenous Entity	An entity with at least 50 per cent Indigenous ownership, as outlined in the Indigenous Procurement Policy.
land management	Includes a wide range of environmental, natural resource and cultural heritage management activities. For example, dust mitigation, burning, fire management, weed and feral animal control.
management	<p>Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes:</p> <ul style="list-style-type: none"> • the CEO (or equivalent) • the people occupying the highest positions in relation to: <ul style="list-style-type: none"> ○ service delivery ○ finances ○ operations (e.g. property, ICT), and/or human resources.

Term	Definition
ownership	<p>Depending on legal entity type, “Ownership” may be based on your:</p> <ul style="list-style-type: none"> • 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 <p>If you are a for-profit entity, ownership relates to those who draw a financial benefit from the entity (other than a salary/wage).</p> <p>For not-for-profits, “benefit” is a broader term that may include social/cultural benefits or maintaining an asset or rights (including native title).</p>
Primary industry	<p>Areas including but not limited to agriculture, horticulture, mining, aquaculture, fishing, forestry and livestock management.</p>
remote/very remote	<p>The NIAA generally applies the Australian Statistical Geography Standard (ASGS) Remoteness Structure where access to services are measured using the Accessibility/Remoteness Index of Australia (ARIA+). This defines remote areas, except where otherwise indicated. ARIA is widely accepted as Australia’s most authoritative geographic measure of remoteness. ARIA measures the remoteness of a populated locality by its physical distance by road to the nearest urban centre.</p> <p>Please see the map at Figure A for a geographic representation of remote areas defined under ARIA.</p> <p>The NIAA recognises there are some communities located within inner or outer regional areas that may be considered remote that fall outside the definition of remote explained above. These may be communities that have limited access to government services or standards of infrastructure.</p>
sole trader	<p>An individual running a business.</p>
selection criteria	<p>comprise eligibility criteria and assessment criteria.</p>
selection process	<p>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.</p>

Term	Definition
value with money	<p>means to achieve 'value with relevant money' which 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, including:.</p> <ul style="list-style-type: none"> • relevant financial and non-financial costs and benefits of each proposal including, but not limited to: <ul style="list-style-type: none"> • the quality of the project proposal and activities; • fitness for purpose of the proposal in contributing to government objectives; • that the absence of a grant is likely to prevent the grantee and government's outcomes being achieved; and • the potential grantee's relevant experience and performance history.

Figure A: Indigenous Advancement Strategy—remoteness areas



Appendix 1. Incorporation requirements

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

- Incorporate under Commonwealth legislation—Indigenous organisations will be required to incorporate under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006](#) and other organisations will be required to incorporate under the [Corporations Act 2001](#).
- Maintain these arrangements while they continue to receive any IAS funding.

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

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

Indigenous organisations already incorporated under the [Corporations Act 2001](#) 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](#) 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 and may result in the termination of the grant agreement.

Organisations will have a six-month transition period to comply with the incorporation requirement from the execution of the Grant Agreement or variation of an existing grant agreement. At the 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 Policy. Applications for exemption must be submitted using the process outlined by the Agency. Details about the exemptions policy and the Application for Exemption form can be found on the Agency's website.

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

1. That grant funding received from the Indigenous Affairs Group within the Agency 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](#) is available through the Office of the Registrar of Indigenous Corporations (ORIC). This includes assistance in developing a rulebook, guidance on the process to transfer incorporation, and access to pro bono legal assistance through the LawHelp service.

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

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

Appendix 2: 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 people who will be involved in the project and with other groups with an interest in the project, if applicable.
	Eligibility requirements set out in the Grant Opportunity Guidelines are met
	Evidence can be provided to demonstrate incorporation and/or Indigeneity status where applicable.
	This document has been read and understood.
	IAS objectives and outcomes are understood and the proposed activity(s) contributes to the outcomes of the IAS.
	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.
	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.
	If you are not registered with Supply Nation or ORIC, attach a completed statutory declaration regarding the Indigenous ownership of your entity.
	Attach evidence of your bank account. A copy of your bank statement is preferred.
	Attach a document containing (as applicable): A list of your key personnel, including your Chief Executive Officer, Chief Financial Officer, Chief Operating Officer and Directors (or equivalents), including names and position titles. An organisation chart for your organisation. AND

	If applicable, a chart of associated entities, as defined by s50AAA Corporations Act, (Cth) showing the relationships between companies, including levels of ownership and control.
	Attach an itemised indicative budget (on the template provided) that is GST exclusive.

Joint (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 7.2 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 your most recent audited financial statement. If you do not have audited financial statements, please provide equivalent financial information required by your regulator (e.g. General Report, financial statements, Annual Information Statement etc.)
	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.