

Aboriginals Benefit Account Section 64(4) Beneficial Grant Guidelines

December 2016

Preface

These guidelines set out the terms and conditions on which an applicant may access Commonwealth of Australia grant funding under Aboriginals Benefit Account section 64(4) beneficial grants. Applicants should read these guidelines, and other documents in the Application Kit, prior to preparing their application for grant funding. These guidelines may be amended from time to time.

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PART I: INTRODUCTION

1 Programme overview

The Commonwealth of Australia is committed to improving the lives of Indigenous Australians through increased participation in education and work and making communities safer.

The Indigenous Advancement Strategy (Strategy) began on 1 July 2014 with the objective of achieving real results in the key priority areas of getting children to school, adults into work, and building safer communities where the ordinary rule of law applies. Under the Strategy, the Government has streamlined more than 150 individual programmes and activities into five broad based programmes to make it easier for organisations delivering important services in communities. The five programme streams are:

- Jobs, Land and Economy;
- Children and Schooling;
- Safety and Wellbeing;
- Culture and Capability; and
- Remote Australia Strategies.

The Aboriginals Benefit Account (ABA) is a Special Account under the Strategy that contributes to the Government's priorities for Indigenous Australians in the Northern Territory specifically under the Jobs, Land and Economy Programme.

These guidelines apply to ABA beneficial grant funding.

1.1 The Aboriginals Benefit Account

The ABA is continued under Part VI of the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Land Rights Act) and is a Special Account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

The ABA receives statutory royalty equivalent monies from appropriations, the level of which is determined by the value of royalties generated from mining on Aboriginal land in the Northern Territory. The ABA is funded by the Commonwealth of Australia from consolidated revenue. The ABA makes payment under sections 64(1), 64(3), 64(4), 64(4A) and 64(6) of the Land Rights Act.

ABA funding under section 64(4) of the Land Rights Act is provided for one-off grant funding (non-recurrent funding) proposals that are for the benefit of Aboriginal people living in the Northern Territory.

Information on ABA beneficial grant funding outcomes, objectives and performance is outlined in [Annexure 2](#).

PART II: APPLYING FOR ABA BENEFICIAL GRANT FUNDING

2 Making an application for ABA beneficial grant funding

2.1 Type of selection process

A **targeted** selection process is used to seek proposals for ABA beneficial grants.

A competitive process provides transparency and can attract a wide range of potential Grant Funding Recipients including smaller organisations. The competitive process also offers an opportunity for new Grant Funding Recipients to enter the sector.

Eligible applications will be assessed against selection criteria at [Section 2.7](#) and then prioritised against competing, eligible applications for available grant funding. Applicants should refer to [Section 2.12](#) for a list of activities that will not be funded under the ABA. Further information on the assessment process is at [Annexure 3](#).

2.2 Level of grant funding available

ABA beneficial grants are provided for one-off (non-recurrent) proposals that will benefit Aboriginal people in the Northern Territory.

Up to \$30 million is available for ABA beneficial grants per financial year. The final amount of funding available is at the discretion of the Minister for Indigenous Affairs (the Minister) and contingent on any priority activities approved by the Minister, as well as the number and scope of suitable applications received.

The amount of individual grant funding provided will be based on the assessed scope and complexity of the proposal and the length of the Agreement will be dependent on the nature of the proposal approved. Grant funding can be provided to Grant Funding Recipients over multiple financial years.

Grant funding is allocated for small projects valued up to and including \$250,000 and large projects valued over \$250,000. There is no minimum or maximum amount of grant funding that can be applied for under ABA beneficial grants.

2.3 ABA Funding Categories

Applicants must design their proposal for funding under one of the four funding categories below. A brief description of these categories is provided below. Refer to [Annexure 2](#) for more detailed information on the outcomes, objectives, scope and performance for ABA beneficial grant funding. It is possible for proposals to achieve benefits for Aboriginal people living in the Northern Territory across more than one funding category however applicants will be asked to nominate their main funding category when completing their Application Form.

1. Supporting Enterprises

Proposals that support improved economic outcomes through small, medium or large business investments which foster wealth-creation for current and future generations of Aboriginal people living in the Northern Territory. This may include capital items necessary to generate investment in economic development or seed funding for initiatives to deliver economic development or business outcomes for Aboriginal people living in the Northern Territory.

2. Supporting Community

Proposals that improve the benefits for Aboriginal people living in community including to the quality of life or services offered. This may include education, sporting and cultural facilities; buildings; community facilities; or capital items. The term 'community' is used in the broad sense to mean a group of Aboriginal people living within a particular local area in the Northern Territory.

3. Supporting Culture, Language and Leadership

Proposals that enhance cultural activities for Aboriginal people living in the Northern Territory or support the maintenance or recording of language and undertake education and leadership training. Applicants seeking funding under this category will need to include stakeholder consultation requirements with key stakeholders as part of their application.

4. Supporting Land, Sea and Waters Management and Use

Proposals that enable Aboriginal people living in the Northern Territory to engage in land, sea and river management to assist in protecting and caring for Aboriginal land.

2.4 How to apply

Grant funding rounds will open and close at nominated dates and will be open for a minimum of four weeks. Applications must be received by the closing date and time to be assessed as eligible.

Information on grant funding rounds, the application process, and how to prepare and submit an application will be made available through the Department of the Prime Minister and Cabinet's (the Department) website.

Applicants will be provided with reasonable prior notice of any open grant round by all or some of the means listed below:

- On the Department's website at <https://www.dpmc.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding>
- On the Government Grants website at www.business.gov.au

2.5 Application kit

The Application Kit for ABA beneficial grant funding which will be available on the Department's website may include:

- These Guidelines;
- An Application Form; and
- A Grant Agreement template.

2.6 Partnership approach

A provider, community, region or jurisdiction may approach the Department to discuss proposals for place-based strategies or demand driven activities at any time. Unless otherwise specified in an Application Kit:

- Applications should be in the form of the Application Form at Annexure 1;
- For place-based initiatives, contact should be made through the Department's Regional Offices outlined at Section 2.17;
- Applicants must ensure their proposal is for the benefit of Aboriginal people living in the Northern Territory and must address outcomes at Annexure 2; and
- The Department will assess applications against the selection criteria outlined at Section 2.7. Applicants will be notified of the outcome for funding at the completion of the assessment process, refer to Annexure 3 for further details.

ABA beneficial grant funding will support a new way of engaging with Aboriginal people, communities, industries, businesses and service providers, allowing for joint development and implementation of solutions that will sustainably improve outcomes, including through regional and/or place-based solutions for Aboriginal people in the Northern Territory. Applicants will be expected to work closely with Aboriginal people living in the Northern Territory in the design of their proposal and in the delivery of activities.

The Department will work with Grant Funding Recipients to ensure that grant funding achieves improved outcomes for Aboriginal people living in the Northern Territory. The Department may consider redirecting grant funding where outcomes are not being achieved. Agreements will provide specific detail about these requirements.

2.7 Selection Criteria

The selection criteria have been developed to enable the selection of applications in a consistent, transparent and accountable manner. Applicants must address the selection criteria as part of their application including any land tenure issues associated with their request for grant funding. Applicants for large projects must also respond to the additional criteria set out below.

The response provided against the selection criteria is fundamental to the assessment of an application. The response will be assessed to ensure that the proposal is suitable for grant funding and that it is designed to meet the intended objectives and outcomes of the programme. Proposals that align with outcomes outlined in [Annexure 2](#) will be considered for grant funding.

A word limit has been set against the selection criteria and specified in the Application Form. The criteria are equally weighted.

All applicants will be assessed based on their ability to:

- Demonstrate how the proposal will achieve benefits, what these benefits will be, and how these benefits will be measured and sustained over time, for Aboriginal people living in the Northern Territory. Where appropriate, applicants should demonstrate how their proposal will achieve improved outcomes for Aboriginal people living in the Northern Territory against the following priority areas:
 - Creation of Indigenous jobs;
 - Ensuring children go to school;
 - Ensuring adults go to work; and
 - The ordinary rule of law operates in Indigenous communities to make sure everyone is safe.
- Demonstrate the need for the proposal within Aboriginal community/communities in the Northern Territory and consider the following and provide supporting documentation:
 - The proposal is achievable, viable, costed and planned; and
 - Key stakeholders have been identified and consulted.
- Demonstrate that the applicant organisation has:
 - Sufficient capacity to successfully implement the proposal, including experience in delivering similar proposals and staff capability;
 - The ability to identify and manage risks and monitor performance associated with the proposal; and
 - The connection and support from the community or individuals who are intended to benefit from the proposal.

Additional selection criteria for Large Projects

- Demonstrate that the proposal has been appropriately planned, assessed for risk, and costed. The following information must be included with the application.
The Proposal:
 - Detailed Project Management Plan, including but not limited to:
 - Budget for the life of the proposal;
 - Project timeline;
 - Risk assessment with mitigation strategies;
 - Performance framework showing how the proposal will be monitored;
 - Cost benefit analysis; and

- Stakeholder consultation plan.

The Applicant Organisation:

- Governance Arrangements in place; and
- Copies of Audited Financial Statements (from the previous three years and/or evidence of solvency).

2.8 Land or business proposals

Prior to submitting an application for ABA beneficial grant funding, applicants with proposals relating to land acquisition or management, agriculture, pastoral or business investment are required to consult either the Indigenous Land Corporation (ILC) or Indigenous Business Australia (IBA) seeking their view of the proposal, including whether they consider the proposal viable and value for money. Additionally, applicants are required to provide evidence that the ILC or IBA supports their proposal and reflect the ILC or IBA final assessment in their application for ABA beneficial grant funding.

Applicants should engage the ILC where their proposal relates to land acquisition or management, or agriculture. Applicants should engage the IBA where their proposal relates to pastoral or business investment.

2.9 Business plan

All applicants are required to provide a business plan to support their proposal for grant funding. Information contained in the business plan will depend on the complexity of the proposal and whether the proposal is considered large or small. All business plans must include an assessment of the risks associated with the proposal and an approach to managing grant funding for the life of the Agreement. The business plan must also demonstrate how the applicant will undertake ongoing monitoring and management of the proposal, as appropriate, to ensure intended outcomes are met.

2.10 Eligibility for organisations

Unless otherwise set out in the Application Kit, applicants must:

- Have a legal personality and full legal capacity to enter into an Agreement with the Commonwealth of Australia. An unincorporated association is not a legal person and will not be contracted by the Department;
- Not be bankrupt or subject to insolvency proceedings (as relevant to the entity type);
- Have an ABN and be registered for GST purposes, where relevant;
- Be financially viable, as assessed by the Department; and
- Not have been named as non-compliant under the *Workplace Gender Equality Act 2012*.

The Department may take into account any previous or current non-compliance with any Commonwealth of Australia agreements.

States or Territories may apply for grant funding unless the applicable Application Kit specifically excludes them.

Applicants that do not, as determined by the Department at its sole discretion, meet these requirements may be deemed ineligible for ABA beneficial grant funding.

2.11 Eligibility for individuals

While it is expected that grant funding will primarily be delivered through organisations, individuals will not be precluded from receiving grant funding, unless otherwise specified in the Application Kit.

2.12 Ineligible activities for grant funding

ABA beneficial grant funding will not be provided for the following activities:

- Costs that would displace commercial operations (e.g. anti-competitive activities);
- Costs seeking funding for investment purposes;
- Costs which should be funded from other sources, including mainstream government funding;
- Recurrent costs (i.e. costs associated with the continuing operations of an activity);
- Costs that are not directly and specifically related to the activity (e.g. ongoing staff wages, rent, administrative costs of the applicant's existing operations);
- Interstate travel and associated costs except where specifically approved for the activity by the Delegate;
- Overseas travel not agreed by the Delegate except for grant funding provided under the Supporting Culture, Language and Leadership funding category;
- Staff relocation costs;
- Costs incurred before an application is approved;
- Costs incurred in the preparation of an application;
- Salaries/wages/consultancy fees for non-Indigenous staff without prior written approval of the Delegate;
- Debt financing; or
- Operational or capital expenditure for the four Northern Territory Land Councils that should be considered through the budget estimates process associated with section 64(1) of the Land Rights Act.

2.13 Other requirements

2.13.1 Commonwealth Procurement Rules

Funds appropriated for the purpose of ABA beneficial grant funding may also be used for the procurement of work directly related to the purpose of the grant, for example research projects. Such procurements will be undertaken in accordance with the requirements of the Commonwealth Procurement Rules and for purposes that are consistent with the priorities and required outcomes of the ABA beneficial grant. This includes through the use of Indigenous businesses where appropriate and in line with the Indigenous Procurement Policy. Procurement processes will be conducted independently of any grant rounds.

2.13.2 Incorporation requirement

From 1 July 2014, all organisations receiving grant funding under agreements or contract variations of \$500,000 (GST exclusive) or more in any single financial year through the Strategy will be required to:

- For an Indigenous Organisation, be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*; **or**
- For other organisations, be incorporated under the *Corporations Act 2001*; **and**
- Once applied, all organisations must continue to meet this requirement whilst receiving any amount of grant funding from the Strategy.

Organisations need to comply with the requirement as part of their Agreement and have six months from the date of execution of their Agreement to comply with the requirement. Organisations may apply for an exemption from the requirement which will be considered on a case-by-case basis. For more information on the requirement and exemptions email SOG@pmc.gov.au.

2.14 Role of the Minister for Indigenous Affairs

The Minister has overall responsibility for the ABA. The Minister is the delegate (final decision maker) in relation to any proposals funded under ABA beneficial grants taking into consideration the advice provided by the Department and the ABA Advisory Committee.

The Minister determines available ABA beneficial grant funding and the timing of grant funding rounds.

2.15 Role of the Department of the Prime Minister and Cabinet

The Department will be responsible for the development and dissemination of application documentation for ABA beneficial grant funding and for ensuring that documentation is in accordance with the ABA programme and consistent with the Commonwealth Grant Rules and Guidelines.

The Department will be responsible for the grant funding arrangement process, responding to enquiries in relation to the application process, and for resolving any uncertainties that may arise in relation to application requirements.

The Department will undertake the assessment of applications and provide the ABA Advisory Committee with a report on all applications for their consideration. Representatives from the Department involved in or associated with ABA beneficial grant funding are required to disclose and manage potential, perceived or actual conflicts of interest prior to undertaking the assessment of applications. Further information about the assessment process is at [Annexure 3](#).

The Department will also be responsible for the management and monitoring requirements of Grant Funding Recipients in accordance with these guidelines, including managing Agreements.

2.16 Role of the ABA Advisory Committee

The ABA Advisory Committee is established under section 65 of the Land Rights Act. The ABA Advisory Committee consists of a Chair as appointed by the Minister, elected members from the four Northern Territory Land Councils, and up to two members with expertise in land management, or business or financial management appointed by the Minister.

The role of the ABA Advisory Committee is to advise the Minister in debiting the ABA for the purpose of making payments under section 64(4) of the Land Rights Act for activities that will benefit Aboriginal people living in the Northern Territory. The ABA Advisory Committee does not make the final decision on which applications are approved for funding.

The ABA Advisory Committee convenes to assess applications assessed by the Department and subsequently advise the Minister as to the applications it supports for grant funding. ABA Advisory Committee members are required to disclose and manage all potential, perceived or actual conflicts of interest. Prior to the commencement of a Committee meeting, all attending members must declare and sign a Pecuniary/Non Pecuniary Interests Register, to be maintained by the Department. Further information about the assessment process is at [Annexure 3](#).

2.17 Contact details

The contact information for ABA section 64(4) beneficial grant funding is:

Mail

Aboriginals Benefit Account (ABA) Projects Section
Department of the Prime Minister and Cabinet
PO Box 9932
DARWIN NT 0801

Telephone

1800 354 612

Email

aba@network.pmc.gov.au

Website

<http://www.dpmc.gov.au/indigenous-affairs/grants-and-funding/aboriginal-benefit-account-aba-grant-funding>

3 Other information

Further information about administrative arrangements is included at Annexure 3. This includes information about:

- Agreements;
- The process for notifying applicants of the outcome of their application;
- Reporting and monitoring framework;
- Evaluation;
- Value for Money;
- Conflicts of Interest;
- Complaints Processes;
- Freedom of Information;
- *Privacy Act 1988*; and
- Glossary of Terms.

ANNEXURE 1: APPLICATION FORM

For the Application Form please visit the ABA webpage on the Department of the Prime Minister and Cabinet website.

ANNEXURE 2: PROGRAMME OUTCOMES

ABA beneficial grant funding is for the benefit of Aboriginal people in the Northern Territory. The ABA beneficial grant funding is broad in scope and flexible enough to support a wide range of activities, with a focus on action to achieve clear and measurable benefits for Aboriginal people in the Northern Territory, with payment linked to the achievement of results and intended outcomes.

Outcome indicators and the frequency and detail of reporting will be negotiated with Grant Funding Recipients and included in their Agreement. Examples of outcome indicators that may be negotiated with Grant Funding Recipients have been provided under each of the ABA Funding Categories below.

The Department of the Prime Minister and Cabinet may fund activities consistent with the following funding categories and outcomes.

Supporting Enterprises

Objective

To support improved economic outcomes through small, medium or large business investments which foster wealth creation for current and future generations of Aboriginal people living in the Northern Territory.

What this category may fund

This category may fund activities leading to one or more of the following outcomes such as but not limited to:

- Support to assist Aboriginal people to generate economic and social benefits from economic assets;
- Investment in economic development for Aboriginal people living in the Northern Territory; and
- Seed funding for initiatives to deliver economic development or business outcomes for Aboriginal people living in the Northern Territory.

Outcome indicators for this category

- Increase in the number of Aboriginal people employed in full-time equivalent positions;
- Number of Aboriginal businesses supported through investment;
- Number of community enterprises developed; and
- Percentage and number of Aboriginal people who reported that they benefited from improved economic benefit through business investment.

Supporting Community

Objective

To improve the benefits for Aboriginal people living in community including to the quality of life or services offered.

What this category may fund

This category may fund activity leading to one or more of the following outcomes such as but not limited to:

- Providing access to education, sporting, community or cultural facilities; and
- Supporting the purchase of capital items for the benefit of Aboriginal people in the Northern Territory.

Not in scope for funding under this category are activities that are typically the responsibility of the Northern Territory Government.

Outcome indicators for this category

- Increase in the number of Aboriginal people employed in full-time equivalent positions;
- Increase in school attendance rates for Aboriginal people;
- Increase in the number of Aboriginal people completing training/activities/events;
- Percentage and number of Aboriginal people who reported that they benefited from increased knowledge, skills and capabilities gained;
- Reduced violence in communities;
- Increase in the number of services offered that improve the quality of life for community;
- Percentage and number of Aboriginal people participating in cultural activities;
- Increase in community engagement in delivering activities; and
- Strong engagement with local communities resulting in agreements to improve Aboriginal school attendance and attainment, employment and safer communities.

Supporting Culture, Language and Leadership

Objective

To enhance cultural activities for Aboriginal people living in the Northern Territory or support the maintenance or recording of language, and undertake education and leadership training.

What this category may fund

This category may fund activities leading to one or more of the following outcomes such as but not limited to:

- Improving leadership and governance capacity of Aboriginal people, families, organisations and communities;
- Maintaining culture, supporting healing, protecting Aboriginal heritage;
- Providing access to, and supporting or enhancing, Indigenous broadcasting and communications services;
- Improving participation in society, and acceptance of Aboriginal people;
- Strengthening the capacity of Aboriginal organisations so that they are able to effectively deliver Government services to Aboriginal people and communities;
- Engaging Aboriginal people on decisions over matters which affect them;
- Improving participation in society, and acceptance of Aboriginal people, including through access to Indigenous interpreters; and
- Providing support for the recognition of Aboriginal people in the Commonwealth of Australia Constitution.

Outcome indicators for this category

- Percentage and number of Aboriginal people participating in cultural, language or leadership activities;
- Increase in community engagement in delivering activities;
- Number of cultural or language projects supported; and
- Number of hours of Aboriginal interpreting undertaken by qualified or accredited interpreters.

Supporting Land, Sea and Waters Management and Use

Objective

To enable Aboriginal people living in the Northern Territory, to engage in land, sea and river management to assist in protecting and caring for Aboriginal land.

What this category may fund

This category may fund activities leading to one or more of the following outcomes such as but not limited to:

- Supporting employment outcomes for Aboriginal jobseekers, including retention at 26 weeks;
- Providing employment, training and participation services and build skills and work readiness of Aboriginal job seekers in remote Australia; and
- Deriving economic benefit in the management of sea and land management and use.

Not in scope for funding under this category are activities that are typically the responsibility of the Northern Territory Government.

Outcome indicators for this category

- Increase in the number of Aboriginal people employed in full-time equivalent positions; and
- Number of Aboriginal land and sea management jobs contracted.

Assessing performance

The performance of a funded activity will be assessed on the basis of whether it is achieving its stated outcomes. Applicants seeking grant funding may be requested to nominate one or more key outcome indicators against which they will be assessed over the course of the proposal. In addition, the Department will source a range of data and information on outcomes to inform its judgment. Where activities are not delivering outcomes, the Department may consider reducing or redirecting grant funding, ceasing the grant funding, or recovering funding.

ANNEXURE 3: FURTHER INFORMATION

Application acknowledgment

An application will not be considered until it is received by the Department and the Department has acknowledged its receipt. Late applications will only be considered in exceptional circumstances.

Help preparing an application

Applicants can get help preparing their application from the Department, ABA Advisory Committee, Indigenous Land Corporation, Indigenous Business Australia or the four Northern Territory Land Councils.

Applicants are able to ask general questions, via email, about the ABA programme, the selection process, and seek clarification to better understand the requirements of the Application Form or these guidelines, during the Questions and Answers (Q&A) stage of the grant funding round. The Q&A stage will commence on the opening date of the grant funding round and conclude five days prior to the closure of the grant funding round. The Department will not accept or respond to any requests for information after the Q&A closing date. The Department will attempt to respond to emailed enquiries within five working days of receipt.

Responses to enquiries provided to one applicant will be communicated to all applicants unless it would disadvantage the applicant due to the information being commercial-in-confidence or would divulge details of an application. All information will be de-identified before being published on a Frequently Sought Information section of the Department's website. Responses to questions of interest to all applicants may be added to the list during the application period.

The Department will not accept or respond to any applicant requests for information or correspondence about the status or progress of an application during the assessment phase.

Enquiries should be emailed to aba@network.pmc.gov.au.

Assessment of applications

An Assessment Team, comprising Departmental staff, will assess applications. To ensure consistency of assessments, the Department's Assessment Team will be appropriately skilled and undertake relevant training prior to assessing applications and have access to procedural instructions consistent with the Commonwealth Grant Rules and Guidelines.

The Departmental Assessment Team will assess against the following:

- Proposals received and assessed under the ABA beneficial grants funding round;
- Completeness of application;
- Claims made against the selection criteria;
- Impact of the proposal on the community;
- Whether the proposal is value for money;
- Whether the proposal is eligible under the ABA beneficial grants;
- Risks posed to the ABA programme and possible solutions identified;
- Financial viability of the applicant organisation;
- Programme and service delivery environment;
- Applicant's experience and capacity to deliver activities for the target group;
- Performance standards and service delivery expectations; and
- Other supporting information as required. Where required, applicants may be contacted to clarify aspects of their application.

Following the Department's assessment, the assessment report and applications will be provided to the ABA Advisory Committee for their consideration at a scheduled meeting. The ABA Advisory Committee will subsequently provide advice to the Minister on which applications it supports for grant funding, whether any grant funding amounts should be adjusted from the amount sought and which proposals should not be funded. The ABA Advisory Committee provides advice to the Minister reflecting on local and cultural issues. The Minister decides whether an application for grant funding is approved.

Decisions in relation to the approval of applications will be transparent, well documented and consistent with the legislative and policy requirements set out in the Commonwealth Grants Rules and Guidelines and the *Privacy Act 1988*.

Value for money

The Department will consider whether each grant application represents value for money and will look at expected results, grant funding requested and the contribution the applicant organisation will make for the benefit of Aboriginal people living in the Northern Territory.

Grant Funding Recipients must contribute to achieving value with public money by:

- Considering how best to deliver the proposal to target groups or individuals who are intended to benefit from the proposal. This may involve using existing processes and technologies or professional standards, or it may involve innovation and performance improvement by the applicant organisation;
- Having in place an effective risk management approach that will minimise risk and ensure that the grant funding is achieving the outcomes, objectives and performance indicators;
- On-going monitoring and management of the grant as appropriate. This may involve the effective use of organisational processes, procedures and systems to produce the required reporting information, or it may involve adjusting activities to ensure they are meeting the objectives and performance indicators;
- Contributing to Commonwealth of Australia priorities through collaborative delivery of grant funding strategies; and
- Participating in evaluations of grant funding.

Screening Assessment for Employment – Northern Territory (SAFE NT)

It is a pre-condition for grant funding that where an activity requires an organisation to work with vulnerable people that relevant staff undertake and pass a Screening Assessment for Employment – Northern Territory (SAFE NT) check. It is also necessary that the organisation carrying out the activity has policies in place for addressing any issues that may arise. Grant Funding Recipients will be required to provide relevant evidence to the Department.

Conflicts of Interest

All parties involved in or associated with ABA beneficial grant funding are required to disclose and manage all potential perceived or actual conflicts of interest related to the proposal. A conflict of interest arises where a person makes a decision or exercises a power in a way that may be, or may be perceived to be, influenced by either material personal interests (financial or non-financial) or material personal associations.

Examples of when a conflict of interest arises include where:

- Decision makers or Departmental staff involved in spending activities have a direct or indirect interest in the applicant, which may influence the selection of a particular project or activity;
- Members of the ABA Advisory Committee have a direct or indirect interest in informing a decision about expenditure or providing advice on grants; and

- A Grant Funding Recipient has a direct or indirect interest, which may influence the selection of their particular proposal or activity during the application process. Conflicts may also arise when undertaking the grant proposal.

The Department has appropriate mechanisms in place for identifying and managing potential or actual conflicts of interest such as requiring the Assessment Team to sign conflict of interest declarations prior to undertaking the assessment of applications.

ABA Advisory Committee members are required to sign a conflict of interest declaration prior to undertaking the assessment of applications. Where an ABA Advisory Committee member has disclosed a conflict of interest they must disclose the nature of the interest to the ABA Advisory Committee Chair. The ABA Advisory Committee member may speak briefly on an application however must not be present during any deliberation by the ABA Advisory Committee with respect to the application and must not take part in any decision of the ABA Advisory Committee on the application.

Applicants must disclose any potential perceived or actual conflict of interest arising in relation to proposals or spending activities. The Department may decide not to consider an application or select a Grant Funding Recipient if there is the possibility of a perceived conflict of interest. Applicants should include a statement addressing this and demonstrate why a conflict of interest will not result from the granting of grant funding for the proposal, or how the conflict will be managed.

Indigenous interpreters

Applicants should take into account the cultural and linguistic needs of Aboriginal people whose first language is not English when developing their proposals. Applicants should be mindful of the Commonwealth Ombudsman's Best Practice Principles for interpreting.

Legal and financial advice

The Department does not provide financial or legal advice to organisations. Applicants should seek their own independent professional advice on all financial and legal matters, including compliance with any statutory obligations.

Insurance

All Grant Funding Recipients must ensure they have relevant insurance in place, as set out in the Agreement, to cover their obligations in relation to the activity to be delivered. Grant Funding Recipients will be required to provide evidence of their insurance to the Department.

Privacy and confidentiality

Grant Funding Recipients will be required to comply with the Australian Privacy Principles as set out in section 14 of the *Privacy Act 1988*. Grant Funding Recipients will be required to maintain confidentiality of any information deemed by the Commonwealth of Australia to be confidential, as set out in the Agreement.

Agreements

Successful organisations will be required to enter into an Agreement with the Department, representing the Commonwealth of Australia. The Agreement will form the legal agreement between the Department and the Grant Funding Recipient over the grant funding period. Once executed, the Agreement will constitute the entire agreement between the parties. There is no binding contract until the Agreement is duly executed by the person or persons authorised to bind the Grant Funding Recipient and agreed to and signed by the relevant Departmental delegate. Grant funding will only be provided in accordance with the terms of an executed Agreement and the Grant Funding Recipient must comply with all requirements of the Agreement.

The Agreement will set out the terms and conditions on which the grant funding will be provided and the details of payments for each activity will be negotiated with each successful applicant and will be set out in the Agreement. The Agreement will also cover:

- Reporting and financial management requirements;
- Insurance (to cover the Grant Funding Recipient's obligations in relation to the grant funding to be delivered);
- Compliance with the Australian Privacy Principles as set out in Section 14 of the *Privacy Act 1988*; and
- Requirements to maintain the confidentiality of any information deemed by the Commonwealth of Australia to be confidential.

The Agreement offered may differ from the draft Agreement provided as an example at the time of applying for grant funding. Advice to successful applicants may contain details of any negotiation process for the contractual arrangements.

Types of Agreement

The terms and conditions of the Agreement may vary depending on the size and nature of the grant funding and level of risk. A draft Grant Agreement will be included with the Application Kit. This draft is subject to change following negotiation with the successful applicant. If an applicant is deemed successful, the Department will offer an Agreement for review, negotiation and execution. The Agreement will set out the terms and conditions on which grant funding will be provided.

Goods and services tax (GST)

Unless otherwise indicated by the Department, grant funding provided under the ABA is subject to GST.

Monitoring, performance reporting and improvement

The Department will monitor the performance of Government grant funding to ensure that it is meeting objectives and outcomes. All Agreements made between Grant Funding Recipients and the Department must include systematic, timely monitoring that demonstrates if results are being achieved and supports ongoing adaptation and innovation where necessary.

Successful applicants may be required to submit to the Department reports concerning the grant funding, in the format and by the due dates detailed in the Agreement. Grant Funding Recipients may be required to collect data to measure how their proposal contributes to the identified outcomes and ABA objectives. Grant Funding Recipients will be asked to collect data and maintain records to assist with performance monitoring.

The Department is committed to reducing red tape for Grant Funding Recipients and will work with organisations to minimise the volume of reporting requirements to maintain transparency and accountability requirements.

The Department is also committed to a comprehensive and systematic approach to the effective management of potential opportunities and risk. Any grant funding will be managed according to its level of risk to the Commonwealth of Australia. As such, successful applicants may be subject to a risk management assessment, and depending on level of grant funding and risk, a Financial Viability check, before entering into any contractual arrangement and periodically thereafter during the grant funding term.

Evaluation

Quality evaluation will help Aboriginal people in the Northern Territory, communities and government to clearly see whether they are getting the results they expect and assist Government to invest in what works. To support a consistent and quality evaluation approach, a number of principles will guide evaluation activity. These include:

- Independence, impartiality and transparency;
- Cultural respect, competence and ethical behaviour;
- Designing evaluation to support utilisation and build on what is already know;
- Avoiding duplication and minimising respondent burden;
- Learning and adaptation through a cycle of critical review and improvement; and
- Strengthening capacity, using participative approaches and joint ownership.

Financial reporting

The ABA is administered to ensure the efficient and effective, ethical and economical use of public monies. Grant funding must only be used for the purposes for which it was provided. The Department may require Grant Funding Recipients to provide financial statements/reports in accordance with the Agreement. Grant Funding Recipients will be required to submit:

- A final report on the grant funding outcomes; and
- Independently audited financial statements and other financial information.

The Agreement will set out the details of what a Grant Funding Recipient must submit to acquit their grant funding.

Other reporting requirements

Grant Funding Recipients may be required to provide other reports, such as progress reports, on the grant funding and the activity. Full details of what Grant Funding Recipients must provide will be in the Agreement.

Record keeping

Grant Funding Recipients must comply with the Record Keeping requirements as set out in the Agreement.

Notification of Outcome

Applicants will be notified formally, in writing via a letter, of the outcome for ABA beneficial grant funding including whether their application was successful, unsuccessful or ineligible. In addition, successful applicants will be published on the Department's website in consistent with the Commonwealth Grant Rules and Guidelines and the *Privacy Act 1988*.

The decision date for the outcome of ABA section 64(4) beneficial grant funding can be up to fourteen weeks after the closing date. This allows time for the Department to assess applications, then for the ABA Advisory Committee to consider those applications, and for the Minister for Indigenous Affairs to make the final decision on which proposals will be funded.

Successful applicants

Successful applicants funded under the ABA will be required to enter into an Agreement with the Department.

Opportunity for feedback

Applicants that were unsuccessful or ineligible may be provided with reasons for the application not being successful or eligible in the grant funding process. The Department reserves the right to not offer individualised feedback for each application in a grant funding process and may offer general feedback on any grant funding process. Any opportunity for individualised feedback will be set out in the advice to the applicant on the outcome of the grant funding process.

Complaints processes

Complaints about the conduct of grant funding processes may be sent in writing to the address complaints@pmc.gov.au.

Other complaints processes available

Any applicant may complain to the Commonwealth Ombudsman about any administrative action taken by the Department in relation to ABA beneficial grant funding. Contact details are as follows:

Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

Further details are available via the Commonwealth Ombudsman website at www.ombudsman.gov.au or by telephone on 1300 362 072.

The Ombudsman is an independent statutory officer who has extensive powers to investigate and report on official actions. No charge is made for the Ombudsman's investigations. The Ombudsman will generally not investigate a matter that is being dealt with by a court or tribunal and may decline to investigate if he/she considers that a matter should be taken up with a court or tribunal, or for a variety of other reasons.

Freedom of Information

A person who wants to gain access to documents held by the Department may make an FOI request.

Requests to access documents must be in writing. FOI requests should be sent to:

The FOI Contact Officer
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Requests may also be lodged via email to foi@pmc.gov.au.

There is no fee for making a request but the *Freedom of Information Act 1982* provides that charges may be imposed for processing requests.

Requests must provide enough information about the documents sought to enable the Department to identify them.

The FOI Coordinator can be contacted on (02) 6271 5849 to discuss any prospective request.

Detailed information about FOI can be found at the website for the [Office of the Australian Information Commissioner](http://www.oaic.gov.au).

Glossary

ABA means the Aboriginals Benefit Account.

ABA Advisory Committee means the Aboriginals Benefit Account Advisory Committee.

Aboriginal Land Rights (Northern Territory) Act 1976 means an act of the Commonwealth of Australia that provides for the granting of traditional Aboriginal land in the Northern Territory for the benefit of Aboriginals and for other purposes. The *Aboriginal Land Rights (Northern Territory) Act 1976* can be found at www.comlaw.gov.au/Details/C2014C00451.

Agreement means the contractual arrangement between the Commonwealth of Australia and the Grant Funding Recipient for the grant funding.

Commonwealth Grant Rules and Guidelines (CGRGs) establish the overarching Commonwealth of Australia grants policy framework and articulate the expectations for all non-corporate Commonwealth of Australia entities in relation to grants administration. Under this overarching framework, corporate

Commonwealth of Australia entities develop their own specific grants administration practices based on the mandatory requirements and principles of grants administration in the CGRGs. The CGRGs are issued by the Finance Minister under section 101 of the *Public Governance, Performance and Accountability Act 2013*.

Corporations Act 2001 means an act of the Commonwealth of Australia 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 Grant funding Commission (ASIC) at www.asic.gov.au

Corporations (Aboriginal and Torres Strait Islander) Act 2006 means the set of laws that establishes the Registrar of Aboriginal and Torres Strait Islander Corporations, now called the Registrar of Indigenous Corporations, and allows Aboriginal and Torres Strait Islander 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 people. Incorporation can be applied for through the Office of the Registrar of Indigenous Corporations (ORIC) at www.oric.gov.au.

Department means the Department of the Prime Minister and Cabinet.

Financial Year means a 12 month period beginning 1 July of one year and ending 30 June the following year (and any part of such a period occurring at the beginning or end of the term of an Agreement).

Grant Funding refers to a combination of activities, projects or services undertaken by Grant Funding Recipients; agreed by the Department.

Indigenous Organisation is an organisation that satisfies the Indigeneity requirement under Section 29-5 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* being:

- Corporations with five (5) or more members – at least 51 per cent of their members must be Aboriginal or Torres Strait Islander people
- Corporations with two (2) to four (4) members – all but one of their members must be Aboriginal and/ or Torres Strait Islander people
- Corporations with one (1) member – that member must be an Aboriginal and/ or Torres Strait Islander person.

Public Governance, Performance and Accountability Act 2013 means act of the Commonwealth of Australia about the governance, performance and accountability of, and the use and management of public resources by, the Commonwealth, Commonwealth entities and Commonwealth companies, and for related purposes. The *Public Governance, Performance and Accountability Act 2013* can be found at www.comlaw.gov.au/Details/C2013A00123.

Selection criteria refer to the mandatory criteria which must be addressed for a grant application to qualify for a grant. Eligibility criteria may apply in addition to assessment criteria.

Assessment process is the method used to select potential Grant Funding Recipients by the Department. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the selection criteria.