

Expensive Commonwealth Criminal Cases Fund 2021–22

Grant Opportunity Guidelines

Opening date:	22 September 2021
Closing date and time:	9:00 pm AEDT on 6 October 2021
Commonwealth policy entity:	Attorney-General's Department
Administering entity:	Community Grants Hub
Enquiries:	If you have any questions, contact Community Grants Hub Phone: 1800 020 283 (option 1) Email: support@communitygrants.gov.au Questions should be sent no later than 5:00 pm AEST on 28 September 2021
Date guidelines released:	22 September 2021
Type of grant opportunity:	Closed non-competitive

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1. Expensive Commonwealth Criminal Cases Fund 2021–22 processes

The Expensive Commonwealth Criminal Cases Fund 2021–22 is designed to achieve Australian Government objectives.

This grant opportunity is part of the above grant program, which contributes to Attorney-General's Department Program 1.4 Justice Services. The Attorney-General's Department works with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines 2017 \(CGRGs\)](#).



The grant opportunity opens

We publish the grant guidelines on the [GrantConnect](#) and [Community Grants Hub](#) websites.



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



We make grant recommendations

We provide advice, through the Department Assessment Committee, to the decision maker on the merits of each application.



Grant decisions are made

The decision maker (First Assistant Secretary, Legal Services Policy Division in the Attorney-General's Department) 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 enter into a Commonwealth Standard Grant Agreement with you.



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 Expensive Commonwealth Criminal Cases Fund 2021–22

We evaluate your specific grant activity and the Expensive Commonwealth Criminal Cases 2021–22 program as a whole. We base this on information you provide us and that we collect from various sources.

1.1 Introduction

These guidelines contain information for the Expensive Commonwealth Criminal Case Fund 2021–22 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.

This grant opportunity and process will be administered by the Community Grants Hub on behalf of the Attorney-General's Department (the department).

2. About the grant program

The Expensive Commonwealth Criminal Case Fund program (the program) will run in 2021–22. The program contributes to the achievement of Program 1.4 Justice Services.

The objective of the program is to provide funding to support legal aid commissions (LACs) with costs incurred defending clients in:

- serious, high cost, Commonwealth criminal matters (such as drug importation, people smuggling, terrorism, fraud and slavery)
- Commonwealth post-sentence orders (such as control orders and continuing detention orders).

The intended outcomes of the program are to ensure:

- LACs have sufficient resources to provide an adequate legal defence for people who cannot afford private legal representation where they have been charged with serious Commonwealth criminal offences or are subject to an application for a post-sentence order
- LACs do not need to reallocate funding away from other Commonwealth service priorities, such as family law matters, to meet the cost of expensive Commonwealth criminal law matters
- Serious Commonwealth criminal law proceedings are prevented from being adjourned, postponed, or stayed in accordance with the principle established by the High Court's decision in *Dietrich v The Queen (1992) 177 CLR 292* due to a lack of legal representation for an indigent accused
- Commonwealth post-sentence order matters are prevented from being adjourned or stayed, and/or the defence of an indigent in Commonwealth post-sentence order matters is cost-effective for the Commonwealth.

The Community Grants Hub administers the program according to [Commonwealth Grants Rules and Guidelines 2017 \(CGRGs\)](#).

3. Grant amount and grant period

3.1 Grants available

The Australian Government has announced a total of \$43,703,000 GST exclusive over 4 years from 2021–22 to 2024–25 for the program. For this grant opportunity, up to \$17,858,241 (GST exclusive) is available in funding for the program in 2021–22. The amount of funding available to individual LACs will be determined based on estimates to be provided as a part of the application process.

The department will retain contingency funding from the total available (determined based on applications) to distribute to LACs for unanticipated demand throughout the 2021–22 financial year. The department will distribute the contingency funding to meet additional costs anticipated in 2021–22 or 2022–23 before the end of the 2021–22 financial year to the LAC or LACs with significant anticipated need in the next financial year.

The department will separately organise opportunities throughout the 2021–22 financial year for LACs to notify the department of unanticipated demand and will consider varying grant agreements to provide additional funding for these matters.

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

Grant recipients will be required to report on the use of their funding throughout the 2021–22 financial year, to enable monitoring of expenditure against estimates provided as part of the application process. These reports will assist in determining the distribution of the contingency reserve to address any unanticipated demand. See section 12.2 for reporting guidelines.

3.2 Grant period

The grant funding provided will be for expenditure in the 2021–22 financial year (excluding any additional funding separately provided to LACs to meet anticipated need in 2022–23).

Grant applicants can apply for costs to be incurred on eligible matters within the 2021–22 financial year. A LAC is able to apply for reimbursement of costs incurred within the 2021–22 financial year prior to the opening of the grants round.

There may be opportunities for an extension to the grant agreement in certain circumstances.

A discretionary grant round may be opened late in the 2021–22 financial year to address unanticipated demand.

4. Eligibility criteria

We cannot consider your application if it does not meet the eligibility criteria.

This grant opportunity is a closed non-competitive grant selection process, consistent with the Australian Government's decision to fund LACs in each state or territory to deliver the program. LACs are well established, highly skilled and experienced in the representation of defendants in Commonwealth criminal matters. LACs are statutory bodies established pursuant to legislation in the relevant state or territory and therefore have robust accountability mechanisms in place to manage the funding.

4.1 Who is eligible to apply for a grant?

To be eligible to receive a grant, you must be one of the listed invited organisations and have received an invitation to apply through GrantConnect.

The list of eligible applicants was determined in line with the outcomes of the program to provide funding to the LACs for costs incurred defending clients in serious, high cost, Commonwealth criminal matters.

Table 1: Invited organisations

Invited Organisation	ABN	Service Delivery Area
Legal Aid Commission of NSW	81 173 463 438	NSW
Victoria Legal Aid	42 335 622 126	VIC
Legal Aid Queensland	69 062 423 924	QLD
Legal Aid Commission of WA	96 166 412 580	WA
Legal Services Commission of SA	90 731 571 498	SA
Legal Aid Commission of Tasmania	70 223 103 968	TAS
Legal Aid Commission ACT	40 848 011 291	ACT
Northern Territory Legal Aid Commission	74 014 891 677	NT

No further organisations will be invited to apply.

4.2 Who is not eligible to apply for a grant?

You are not eligible to apply for this grant opportunity if you have not received an invitation to apply through GrantConnect and your organisation is not listed as an eligible invited organisation at section 4.1.

You are also 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'.

5. What the grant money can be used for

5.1 Eligible grant activities

Funding can be used for the following grant activities to:

- meet the costs of defending clients in serious, high cost Commonwealth criminal matters
- meet the costs of representing clients in Commonwealth post-sentence order matters.

A matter may include multiple co-accused.

Serious, high cost Commonwealth criminal law matters

To constitute a serious, high cost Commonwealth criminal law matter, the matter (including any appeal) must:

- relate to the prosecution of a Commonwealth crime under a Commonwealth statute (prosecutions brought by the Commonwealth Director of Public Prosecutions do not necessarily mean the matter is a Commonwealth crime), and
- relate to the prosecution of a serious crime (per *Dietrich v The Queen (1992) 177 CLR 292*), and
- cost, or be estimated to cost, \$40,000 or more, as at the time of applying for the grant.

Other relevant criteria about the use of funding can be found at sections 5.2 and 5.3.

Commonwealth post-sentence order matters

To constitute a post-sentence order matter, the matter must relate to a Commonwealth post-sentence order matter. Post-sentence orders include:

- control orders
- continuing detention orders
- extended supervisions orders (which will be introduced by the *Counter-Terrorism Legislation Amendment (High-Risk Terrorist Offenders) Bill 2020*, if passed by the Parliament).

Other relevant criteria about the use of funding can be found at sections 5.2 and 5.3.

5.2 Eligible expenditure

You can only spend the grant on eligible expenditure you have incurred on eligible grant activities.

Eligible expenditure items include:

- costs incurred for proceedings costs, including in-house and external legal fees, and disbursements (for example, charging, committal proceedings, hearing, trial and sentencing, paralegal fees, private lawyer fees)
- costs incurred for criminal appeals costs, including in-house and external legal fees, and disbursements, where either:
 - the appeal is brought by the Commonwealth Director of Public Prosecutions **or**
 - Counsel certifies that there are reasonable prospects of success in pursuing an appeal
- costs incurred for litigation of post-sentence orders, including in-house and external legal fees, and disbursements,
 - for post-sentence order revocations, variations or appeals not initiated by the Commonwealth director of Public Prosecutions or the Australian Federal Police, counsel must provide certification that there are reasonable prospects of success.
- costs incurred in the review of any post-sentence order matters, including in-house and external legal fees, and disbursements.

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.

5.3 Use of other funding before using funding provided under this grant opportunity

You must not seek funding under this grant opportunity if you are already in receipt of funding from another government source for the same purpose.

You must use funding from the following sources, where available, before using funding provided under this grant opportunity:

- where the court awards partial or total costs in favour of the defendant
- where costs could be sought or have been provided under the *Proceeds of Crime Act 2002 (Cth)*.

If the availability of these other funding sources cannot be determined until after program funds have been expended on a matter, the Expensive Commonwealth Criminal Cases funds will need to be reimbursed or allocated to other eligible matters.

5.4 What the grant money cannot be used for

You cannot use the grant for:

- major capital expenditure
- costs incurred in the preparation of a grant application or related documentation
- subsidy of general ongoing administration of an organisation such as electricity, phone and rent
- major construction/capital works
- overseas travel
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.

6. The assessment criteria

You must address all of the following assessment criteria. Each criterion will be weighted equally so you should provide an equivalent amount of information in responding to each criterion.

The application form includes character limits – up to 6000 characters (approximately 900 words) per criterion. The application form will not accept characters beyond this limit. Please note spaces are included in the character limit.

Criterion 1 - Funding sought relates to program outcomes

Describe how funding your organisation would ensure the outcomes of the grant would be achieved. The outcomes of the grant are:

- LACs have sufficient resources to provide an adequate legal defence for people who cannot afford private legal representation where they have been charged with serious Commonwealth criminal offences or are subject to an application for a post-sentence order
- LACs do not need to reallocate funding away from other Commonwealth service priorities, such as family law matters, to meet the cost of expensive Commonwealth criminal law matters
- Serious Commonwealth criminal law proceedings are prevented from being adjourned, postponed, or stayed in accordance with the principle established by the High Court's decision in *Dietrich v The Queen (1992) 177 CLR 292* due to a lack of legal representation for an indigent accused
- Commonwealth post-sentence order matters are prevented from being adjourned or stayed, and/or the defence of an indigent in Commonwealth post-sentence order matters is cost-effective for the Commonwealth.

A suitable answer would identify how the funding would contribute to the outcomes of the grant, and include information about how you:

- estimated funding required for 2021–22 to ensure it would be sufficient for providing an adequate legal defence and avoid the need for funds to be diverted from other Commonwealth priorities
- identify which matters are at risk of being adjourned, postponed or stayed.

A non-suitable application would fail to address how each of the objectives of the grant would be achieved.

Criterion 2 - Approach to program delivery

Describe how you would use and manage grant funding to deliver services (drawing on existing or new processes), including how you would:

- identify expected matters over the course of the 2021–22 financial year and estimate costs associated with them (for example, complexity, requirement for senior counsel, volume of work)
- achieve value with money provided by effectively selecting and managing external service suppliers engaged to support the matters (for example, private counsel or experts)
- ensure matters are completed within budget
- identify when cost estimates are at risk of being exceeded and your strategies for managing the risk
- identify how you ensure money will not be used for ineligible activities
- ensure costs billed to you and sought from the Commonwealth are appropriate (including any audit and standards assurance processes you undertake)
- ensure services provided are sufficient (including any audit and standards assurance processes you undertake)
- ensure records of matters are recorded, including details about the nature, costs and outcomes of each matter
- intend to monitor unexpected need arising throughout the 2021–22 financial year.

A suitable response would provide information about how you intend to manage the grant funding to deliver services, demonstrating that you have the capability to manage the funding provided appropriately. A suitable response would indicate that the organisation has:

- appropriate processes in place to identify future funding needs and estimates are based on reasonable assumptions or previous experience
- internal risk assessments and appropriate control measures to identify and mitigate the risk of matters exceeding their budget allocation
- audit, standards assurance processes, or other mechanisms to assess quotes for work and costs billed
- suitable internal record keeping practices, and can provide details about the nature, costs and outcomes of each matter funded under the Expensive Commonwealth Criminal Cases Fund, if requested
- methodology in place and resources assigned to monitoring unexpected need for funding under the Expensive Commonwealth Criminal Cases Fund throughout the grant period.

A non-suitable application would fail to identify an appropriate approach to delivering the program.

7. How to apply

Before applying, you must read and understand these guidelines, the grant agreement terms and conditions, sample grant agreement and questions and answers prior to submitting an online application.

The Grant Opportunity Guidelines can be found on the [GrantConnect](#) and [Community Grants Hub](#) websites. Any changes to these guidelines will be published on both sites. All other grant opportunity documentation (including the online application form) will only be available to invited applicants via GrantConnect. Addenda¹ to these grant opportunity documents will only be published on GrantConnect. Only invitees can access these documents and the application form.

By registering on this website, you will be automatically notified of any changes. GrantConnect is the authoritative source for grants information.

You can only submit one application form for this grant opportunity. If more than one application is submitted, only the latest accepted application form will progress.

To apply, you must:

- complete the online application form on [GrantConnect](#)
- provide all the information requested
- address all eligibility criteria and assessment criteria
- include all necessary attachments
- submit your application to the Community Grants Hub by 9:00 pm AEDT on 6 October 2021.

We will not provide application forms or accept applications for this grant opportunity by fax or mail.

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

If you need more help about the application process, submitting an application online, have any technical difficulties or find an error in your application after submission, but before the closing date and time, you should contact the Community Grants Hub immediately on 1800 020 283 (option 1) or email support@communitygrants.gov.au. The Community Grants Hub does not have to accept any additional information, or requests from you to correct your application after the closing time.

You cannot change your application after the closing date and time.

If we find an error or something missing, we may ask you for clarification or additional information.

This will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your application after the closing time.

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

You will receive an automated notification acknowledging the receipt of your application.

¹ Addenda can include changes to existing grant opportunity documentation and/or publishing additional documents. Changes include but are not limited to corrections to currently published documents, changes to close times for applications and system outage notices.

7.1 Timing of grant opportunity processes

You must submit an application between the published opening and closing dates.

Late Applications

We will not accept late applications unless an applicant has experienced exceptional circumstances that prevent the submission of the application. Broadly, exceptional circumstances are events characterised by one or more of the following:

- reasonably unforeseeable
- beyond the applicant's control
- unable to be managed or resolved within the application period.

Exceptional circumstances will be considered on their merits and in accordance with probity principles.

How to lodge a late application

Applicants seeking to submit a late application will be required to submit a late application request to the Community Grants Hub.

The request should include a detailed explanation of the circumstances that prevented the application being submitted prior to the closing time. Where appropriate, supporting evidence can be provided to verify the claim of exceptional circumstances.

The late application request form and instructions for how to submit it can be found on the [Community Grants Hub website](#).

Written requests to lodge a late application will only be accepted within 3 days after the grant opportunity has closed.

The program delegate or their appointed representative² will determine whether a late application will be accepted. The decision of the program delegate will be final and not be subject to a review or appeals process.

Once the outcome is determined, the Community Grants Hub will advise the applicant if their request is accepted or declined.

Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	Within 5 weeks from the closing date
Approval of outcomes of selection process	Within 8 weeks from the closing date
Notification to unsuccessful applicants	Within 9 weeks from the closing date
Negotiations and award of grant agreements	Within 11 weeks from the closing date
Earliest start date of grant activity	As stated in the grant agreement, if successful
End date of grant activity	As stated in the grant agreement, if successful

² This may be the Attorney-General's Department delegate or nominated staff member at the EL2 level or above.

7.2 Questions during the application process

If you have any questions during the application period, only invited applicants' questions will be answered during the application submission period, please contact the Community Grants Hub on 1800 020 283 (option 1) or email support@communitygrants.gov.au.

The Community Grants Hub will respond to emailed questions within 5 working days. Answers to questions are posted on [GrantConnect](#).

The question period will close at 5:00 pm AEST on 28 September 2021. Following this time, only questions about using and/or submitting the application form will be answered.

8. The grant selection process

8.1 Assessment of grant applications

Applications will be assessed based on the eligibility and assessment criteria as set out in these Grant Opportunity Guidelines.

The Community Grants Hub will assess all applications for eligibility and compliance against the requirements of the application process. Only eligible applications will move to the next stage.

If eligible, an assessment committee established by the department will assess the applications against the assessment criteria (see section 6), and will be considered through a closed non-competitive grant process.

Funding will be provided to eligible applicants if they meet the eligibility and assessment criteria. Funding distributions are contingent on applications. Where demand for funding exceeds the available funding, the department will determine the funding amount based on the applications provided.

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 department's assessment committee may seek additional information about 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 department's assessment committee makes its final recommendations to the decision maker on which applications to approve for a grant.

The department will consider your application on its merits, based on:

- how well it meets the assessment criteria
- whether it provides value with relevant money.³

Applications are assessed on how well they meet the selection criteria, for example to what degree they fully meet the selection criteria.

³ See glossary for an explanation of 'value with money'.

While officials do not have to rank all grants when briefing ministers on the merits of a specific grant or group of grants, officials should, at a minimum, indicate which applications:

- fully meet the selection criteria
- partially meet the selection criteria
- do not meet any of the selection criteria.

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

- overall objective/s to be achieved in providing the grant
- relative value of the grant sought
- extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives.

8.2 Who will approve grants?

If the grant application is below \$5 million, the First Assistant Secretary, Legal Services Policy Division in the department will make the final decision about the grant application.

If a grant application exceeds \$5 million and is less than \$10 million, the Deputy Secretary, Legal Services and Families Group in the department will make the final decision about that application.

If a grant application exceeds \$10 million, the Secretary of the department will make the final decision about that application.

The decision maker's decision is final, including the:

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

You can submit a new application for the same grant (or a similar grant) in any future grant opportunities under the program. You should include new or more information to address any weaknesses that may have prevented your previous application from being successful.

9.1 Feedback on your application

If you are unsuccessful, you may ask for feedback within 2 weeks of being advised of the outcome. We will give written feedback within one month of your request and give you an opportunity to discuss the outcome.

9.2 Further grant opportunities

If there are not enough suitable applications to meet the program's objectives or there is unanticipated need from a LAC/s, which did not apply for funding in this grant opportunity, we will invite applicants to submit grant applications to a secondary, discretionary grant opportunity.

10. Successful grant applications

10.1 The grant agreement

You must enter into a legally binding grant agreement with the Commonwealth. We will offer successful applicants a Commonwealth Standard Grant Agreement for this grant opportunity.

Each agreement has general/standard grant conditions that cannot be changed. A standard grant agreement is available on GrantConnect as part of the grant round documentation. We will use a schedule to outline the specific grant requirements.

We must execute a grant agreement with you before we can make any payments. We are not responsible for any of your expenditure until a grant agreement is executed.

Your grant agreement may have specific conditions determined by the assessment process or other conditions made by the decision maker. These are identified in the grant agreement.

We may manage the grant agreement through our Grant Recipient Portal. Accepting the grant agreement through the Grant Recipient Portal is the equivalent of signing a grant agreement. After you have accepted it, we will execute the grant agreement. Execute means both you and the Commonwealth have entered into the grant agreement. We will notify you when this happens and a copy of the executed grant agreement will be available through the portal. The grant agreement will not become binding until it is executed.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

Commonwealth Standard Grant Agreement

We will use a Commonwealth Standard Grant Agreement.

You will have 20 business days from the date of a written offer to sign and return this grant agreement. 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. We base the approval of your grant on the information you provide in your application.

You may request changes to the grant agreement. However, we will review any changes to make sure they do not affect the grant as approved by the decision maker.

10.2 How we pay the grant

The grant agreement will state the maximum grant amount to be paid.

We will make an initial upfront payment on execution of the grant agreement. We will then make subsequent payments according to the agreed schedule set out in the grant agreement.

10.3 Grant payments and GST

GST is not applicable for this grant opportunity. Payments 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](#). We do not provide advice on your particular taxation circumstances.

11. Announcement of grants

If successful, your grant will be listed on the GrantConnect website no later than 21 calendar days after the date of effect as required by section 5.3 of the [CGRGs](#).

12. How we monitor your grant activity

12.1 Keeping us informed

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

You should also let us know if any of the estimates you quote for each matter significantly changes for the 2021–22 financial year, or you suspect you will not have sufficient funding, please notify the department immediately.

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

12.2 Reporting

The grantee must submit reports in line with the timeframes in the grant agreement. Mandatory templates will be provided for these reports.

The grantee will be responsible for:

- meeting the terms and conditions of the grant agreement and managing the grant activity efficiently and effectively
- complying with record keeping, reporting and acquittal requirements as set out in the grant agreement
- participating in a grant program evaluation as specified in the grant agreement.

Progress reports

You must submit a progress report. Progress reports must:

- include evidence of your progress towards completion of agreed activities and outcomes
- show the total eligible expenditure incurred to date
- include evidence of expenditure
- be submitted by the report due date (you can submit reports ahead of time if you have completed relevant activities).

We will only make grant payments when we receive satisfactory progress reports.

You must discuss any reporting delays with us as soon as you become aware of them.

Ad-hoc reports

We may ask you for ad-hoc reports on your grant. This may be to provide an update on progress, or any significant delays or difficulties in completing the grant activity.

Final report

When you complete the grant activity, you must submit a final report.

The final report must:

- identify how the grant outcomes have been achieved
- identify the total eligible expenditure incurred
- provide evidence necessary to determine that funding was spend on eligible expenditure
- provide matter specific information (such as type of charge, whether the matter in ongoing and the estimated costs remaining against the matter)
- include the agreed evidence as specified in the grant agreement
- be submitted by the due date and in the format provided in the grant agreement.

12.3 Non-audited financial acquittal report

LACs that receive 2021-22 funding must provide a non-audited financial acquittal report by the due date provided in the grant agreement. A financial acquittal report will verify that you spent the grant in accordance with the grant agreement and declare unspent funds.

The Commonwealth may recover unspent funds.

12.4 Grant agreement variations

We recognise that unexpected events may affect your progress. In these circumstances, you can request a variation to your grant agreement. You can request a variation by contacting your Funding Arrangement Manager in the Community Grants Hub.

You should not assume that a variation request will be successful. We will consider your request based on provisions in the grant agreement and the likely impact on achieving outcomes.

12.5 Compliance visits

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

12.6 Record keeping

We may also inspect the records you are required to keep under the grant agreement.

12.7 Evaluation

We will evaluate the Expensive Commonwealth Criminal Cases Fund 2021–22 grant opportunity to see how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also 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.

We may contact you up to one year after you finish your grant for more information to assist with this evaluation.

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.

These guidelines may be changed by the department. When this happens, the revised guidelines are published on the [GrantConnect](#) and the [Community Grants Hub](#) websites.

13.1 Enquiries and feedback

Complaints about this grant opportunity

The department's [Client Service Charter](#) applies to complaints about the program. The department will reply to complaints about the program. All complaints about the program including grant decisions must be made in writing.

Any questions you have about grant decisions for this grant opportunity should be sent to ecccf@ag.gov.au

Complaints about the selection process

Applicants can contact the complaints service with complaints about the Community Grants Hub's services or the selection process.

Details of what makes an eligible complaint can be provided by asking the Community Grants Hub. Applicants can use the [online complaints form](#) on the [Department of Social Services](#) website, or contact the Department of Social Services complaints line.

Phone: 1800 634 035

Email: complaints@dss.gov.au

Mail: Complaints
GPO Box 9820
Canberra ACT 2601

Complaints to the Ombudsman

If you do not agree with the way the Community Grants Hub or the department 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 Community Grants Hub or the department.

The Commonwealth Ombudsman can be contacted on:

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

13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program. There may be a conflict of interest, or perceived conflict of interest, if the department and the Community Grants Hub staff, any member of a committee or advisor and/or you or any of your personnel has a:

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

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

If you later think there is an actual, apparent, or perceived conflict of interest, you must inform the department and the Community Grants Hub in writing immediately.

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

We publish our conflict of interest policy on the [Community Grants Hub website](#).

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 give out 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 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 department would breach an Australian Privacy Principle as defined in the Privacy Act.

13.4 Confidential information

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

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

We will keep any information in connection with the grant agreement confidential to the extent that it meets all of the 3 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.

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

- Commonwealth employees and contractors to help us manage the program effectively
- employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery

- other Commonwealth, state, territory or local government agencies in program reports and consultations
- the Auditor-General, Ombudsman or Privacy Commissioner
- the responsible Minister or Parliamentary Secretary
- a House or a Committee of the Australian Parliament.

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

13.5 Freedom of information

All documents that the Australian Government has, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (FOI Act).

The purpose of the FOI Act gives people the ability to get information held by the Australian Government and its organisations. Under the FOI Act, people can ask for documents the Australian Government has. People may not be able to get these documents if these documents need to protect essential public interests and private and business affairs of persons who the information relates to.

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

By mail: Freedom of Information Team
 Government and Executive Services Branch
 Department of Social Services
 GPO Box 9820
 Canberra ACT 2601

By email: foi@dss.gov.au

14. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act) .
administering entity	when an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes.
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.
commencement date	the expected start date for the grant activity.
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.
completion date	the expected date that the grant activity must be completed and the grant spent by.
co-sponsoring entity	when 2 or more entities are responsible for the policy and the appropriation for outcomes associated with it.
date of effect	can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable.
decision maker	the person who makes a decision to award a grant.
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.
Funding Arrangement Manager	is the officer responsible for the ongoing management of the grantee and their compliance with the grant agreement.

Term	Definition
grant	<p>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:</p> <ol style="list-style-type: none"> a. under which relevant money⁴ or other Consolidated Revenue Fund (CRF) money⁵ is to be paid to a grantee other than the Commonwealth 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.
grant opportunity	refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
grant program	a ‘program’ carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement program.
GrantConnect	is the Australian Government’s whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
grantee	the individual/organisation which has been selected to receive a grant.
National Redress legislation	means the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 .
Portfolio Budget Statement (PBS) program	described within the entity’s Portfolio Budget Statement , PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be grant programs. A PBS program may have more than one grant program associated with it, and each of these may have one or more grant opportunities.
selection criteria	comprise eligibility criteria and assessment criteria.

⁴ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

⁵ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
selection process	the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.
value with money	<p>refers to '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.</p> <p>When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to the:</p> <ul style="list-style-type: none"> ▪ quality of the project proposal and activities ▪ fit for purpose of the proposal in contributing to government objectives ▪ absence of a grant is likely to prevent the grantee and government's outcomes being achieved ▪ potential grantee's relevant experience and performance history.