



# Legal advisory service for persons engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

## Grant Opportunity Guidelines

<b>Opening date:</b>	30 July 2019
<b>Closing date and time:</b>	11.00PM AEST on 12 August 2019
<b>Commonwealth policy entity:</b>	Attorney-General's Department
<b>Administering entity</b>	Community Grants Hub
<b>Enquiries:</b>	If you have any questions, contact Community Grants Hub Phone: 1800 020 283 Email: <a href="mailto:support@communitygrants.gov.au">support@communitygrants.gov.au</a> Questions should be sent no later than 5.00PM AEST on 5 August 2019
<b>Date guidelines released:</b>	30 July 2019
<b>Type of grant opportunity:</b>	Targeted Competitive

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# 1. Justice Service: Legal advisory services for persons engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability processes

## **This grant is designed to achieve Australian Government objectives**

This grant opportunity contributes to the Attorney-General's Department's Outcome 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 [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 and notify you if you are not eligible. If you are eligible, we then assess your eligible application against the assessment criteria including an overall consideration of value with money and compare it to other applications.



## **We make grant recommendations**

We provide advice, through the selection advisory panel to the decision maker on the merits of each application.



## **Grant decisions are made**

The decision maker decides which applications are successful.



## **We notify you of the outcome**

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



## **We enter into a grant agreement**

We enter into a grant agreement with you if successful. The type of grant agreement is based on the nature or complexity of the grant and is proportional to the risks involved.



## **Delivery of grant**

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



## **Evaluation of the Legal advisory service for persons engaging with the Royal Commission into Abuse, Violence, Neglect and Exploitation of People with Disability**

We evaluate your specific grant activity based on information you provide us and that we collect from various sources.

## 1.1 Introduction

These guidelines contain information for the *Legal support services for persons engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the program)* grant.

You must read these guidelines before filling out an application.

This document sets out:

- the purpose of the grant opportunity
- the eligibility and assessment criteria
- how grant applications are considered and selected
- how grantees are notified and receive grant payments
- how grantees will be monitored and evaluated
- 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

On 5 April 2019, the Prime Minister announced the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission). The Letters Patent, issued on 4 April 2019 under the *Royal Commissions Act 1902*, set out the terms of reference. The Royal Commission will provide an interim report by 31 October 2020 and a final report by 29 April 2022.

The department, under Program 1.7 of the department's Portfolio Budget Statement, is committed to the Royal Commission. Program 1.4 of the department's allocation includes a provision of community legal services to support the Royal Commission.

A national legal advisory service will be established to support these measures.

Funding of \$17.194m over three years has been allocated for the legal advisory service.

### 2.1 About the Legal advisory services grant opportunity

Approximately 18% of all Australian people have a disability. Disability comes in various forms and has different effects on a person; it can be short-term, life-long, visible and invisible. With the establishment of the Royal Commission, the Australian Government recognises the need for persons with disability, their families, carers and supporters to share their experiences.

The legal advisory service provides legal advice and information for members of the public engaging with the Royal Commission. The legal advisory service seeks to assist persons with disability, their families, carers and supporters to access and engage with the Royal Commission. It will be an independent, trauma-informed and culturally-safe service that will be delivered nationally. This legal service will enable people to understand their legal rights and options about how to engage with the Royal Commission.

The service will be able to provide referrals to counselling and other support services to ensure holistic and cooperative approach to assisting people to engage with the Royal Commission. A person will not be required to be a formal witness of the Royal Commission to access assistance through the legal advisory service.

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

The service will run for the duration of the Royal Commission. The legal advisory service will target individual/s with a disability, their families and carers from the diverse Australian community, expressly:

- Aboriginal and Torres Strait Islander people
- people from culturally and linguistically diverse backgrounds
- people who identify with the LGBTIQ+ community
- people residing in institutions (such as care facilities and prison/detention centres).

The express outcomes of the grant activity is the provision of a free national legal service that will be:

- **National** – legal assistance service/s that has the ability to scale nationally before the commencement of hearings of the Royal Commission.
- **Accessible** – provide appropriate arrangements for persons with disability, their families, carers and supporters to physically attend locations for legal advice, provide a telephone service, and provide outreach for persons unable to attend locations due to disability or being located in an institution. The legal advice service will provide access to communication assistance services such as interpreters, communication boards and easy English guides.
- **Experienced** – be a national legal advisory service that provides legal advice and information for persons with disability (such as physical, sensory, intellectual and psycho-social disabilities) and be able to expand prior experience with clients to assist with advice to be explored before the Royal Commission, including the preparation of voluntary submissions and private sessions where appropriate. Employees should have experienced, preferably with training, with assisting persons who have experienced violence, abuse, neglect and exploitation. Demonstrated use and knowledge of the National Disability Strategy frameworks.
- **Culturally appropriate** – the legal advisory service must provide a culturally appropriate service for culturally and linguistically diverse persons and have specialist staff to provide culturally safe services for Aboriginal and Torres Strait Islander individuals and the community. It must also meet the requirements under the Multicultural Access and Equity policy, Closing the Gap Refresh Agenda and Indigenous Grants Policy.
- **Able to refer** – use existing networks and have the ability to create referrals for individuals seeking legal representation for appearances before the Royal Commission. Referrals are to include other services, such as advocacy, social and psychological support services.
- **Established governance** – have strong, existing governance and financial arrangements to support the delivery of a national service.
- **Work with the Royal Commission** – ability to work closely with the Royal Commission, ensuring there are appropriate resources available during hearing dates.

### 3. Grant amount and grant period

#### 3.1 Grants available

The Australian Government has announced a total of \$17.194 million (excluding indexation and GST) over three years for the provision of legal advice service supporting the Royal Commission.

<b>YEAR</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>TOTAL</b>
<b>Total funding (GST exclusive)</b>	\$6.230m	\$5.029m	\$5.935m	<b>\$17.194m</b>

Grant agreements will be issued subject to the department receiving the relevant appropriations being obtained through the Budget process.

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

### **3.2 Grant period**

The maximum grant period is three years.

During the three year grant period, the grantee will be expected to provide six monthly progress reports.

The department may exercise at its discretion to extend the grant period if the Royal Commission is extended beyond the expected reporting date of 30 June 2022.

## **4. Eligibility criteria**

The eligibility of an organisation to apply for funding under this grant opportunity is determined by the organisation's entity type and criteria as set out in this document.

The decision maker can choose to waive the eligibility criteria; however, the decision maker must be made aware of the risk.

If a decision is made to fund an organisation that does not meet the criteria, that organisation would need to be able to comply with all the mandatory requirements under a grant agreement.

The organisation would also be required to demonstrate that they have the existing infrastructure, capacity, and capability to provide national legal advice service to individuals with a disability, their families, their carers and supporters who are seeking to engage with the Royal Commission.

Applications will not be considered if you do not satisfy all the eligibility criteria.

A grant will not be provided if funding is received from another government source for the same purpose.

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

To be eligible to apply for this grant you must:

- have an Australian bank account
- demonstrate the ability to operate a trauma-informed legal practice
- demonstrate the ability to provide diverse disability accessible practice with culturally appropriate and safe services for Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse individuals
- demonstrate the capacity to provide the grant activity as a nationally-accessible service
- demonstrate the capability to access expert legal advice, as required
- have an existing strong managerial, administrative and governance structure to support the grant activity.

We can only accept applications where you can provide evidence from your board (or Chief Executive Officer or equivalent if there is no board) that the grant activity is supported, and that you can complete the grant activity and meet the costs of the grant activity not covered by the grant.

Applications from consortia are acceptable, as long as you have a lead applicant who is solely accountable to the Commonwealth for the delivery of grant activities and is an invited organisation as listed below.

The list of invited organisations includes; members of the National Association of Community Legal Centres (NACLC), members of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and members of the National Legal Aid (NLA).

<b>Invited Organisation</b>	<b>Member Of</b>
National Association of Community Legal Centres	NACLC
Victoria Aboriginal Legal Service trading as National Aboriginal and Torres Strait Islander Legal Service	National Aboriginal & Torres Strait Islander Legal Services
Legal Aid New South Wales	National Legal Aid

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 based on the need for the establishment of a national legal advisory service that will meet the requirements of all individuals with disability, their families, carers and their supporters who may seek to engage with the Royal Commission.

## **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 are not listed as an eligible invited organisation at Section 4.1.

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

If you are successful, all relevant personnel working on the grant activity must maintain the following registration/checks/qualification:

- Working with Vulnerable People registration
- Working with Children Check
- current legal practitioner certificate with the relevant state/territory legal practitioner board as required part of employment opportunity.

# **5. What the grant money can be used for**

## **5.1 Eligible grant activities**

Eligible activities must directly relate to the grant activity and must include:

- Create and operate a trauma-informed national legal advice service to support the objectives of the Royal Commission.
- The service will provide:
  - free legal advice, information and referral to be provided through a national digital advice line, a website and face-to-face services in key locations
  - community outreach and liaison
  - community information and education sessions.
- The service should consist of the following staff:
  - appropriately qualified legal and support staff
  - specialist staff for Aboriginal and Torres Strait Islander clients



- specialist staff trained and experienced in dealing with victims of violence, abuse, neglect and exploitation.
- The service must develop a close working relationship with key stakeholders and establish referral pathways with:
  - The Royal Commission (including the legal team and the call centre service)
  - relevant Government funded non-legal service providers
  - the Financial Assistance section of the department.
- The service is to be governed under an existing governance structure and/or a specialist board appointed for the activity.

## **5.2 Eligible locations**

Your grant activity must provide Australian wide delivery of legal advisory services to individuals seeking to engage with the Royal Commission.

Your eligible locations must provide appropriate face-to-face assistance, telephone contact, online information that meets all or some of the needs of web-based communication standard of W3G – Web Content Accessibility Guidelines, and reaching off-site and in institutions.

## **5.3 Eligible expenditure**

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

Eligible expenditure items are:

- Employee salary and on-going costs that can be directly attributed to the provision of the funded grant activity.
- The provision of legal advice including general information about the role and operation of the Royal Commission, including assisting with the preparation of voluntary written submissions.
- Employee training specifically related to the delivery of the legal advisory service for persons with disability, their families, carers and supporters.

Administrative expenses directly related to the delivery of the funded grant activity such as:

- rent and outgoings
- computer/information/software
- insurance
- utilities
- postage
- stationery and printing
- interpreter services
- telephones
- travel costs and vehicles used for the purpose of transporting employees to provide the legal advisory service and promote the engagement of the service to persons unable to travel to office locations because of their disability, or they are located in an institution.

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

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

Not all expenditure on your grant activity may be eligible for grant funding. The Program Delegate makes the final decision on what is eligible expenditure.

You must incur the expenditure on your grant activities between the start date and end or completion date for your grant agreement for it to be eligible.

#### 5.4 What the grant money cannot be used for

You cannot use the grant money for the following activities:

- activities for the same purpose that is already funded on an ongoing basis by another Australian, state or local government provider
- activities that commenced prior to the grant agreement being finalised, such as capital works
- relocation costs
- the purchase of land
- wages not directly related to the delivery of the funded grant activity
- major capital expenditure without prior approval
- costs incurred in assisting an individual and/or organisations to appear as a witness before the Royal Commission (this is provided through Financial Assistance for legal and related expenses for witnesses appearing before the Royal Commission)
- subsidy of general ongoing administration of an organisation that is not related to the funded grant activity such as electricity, phone and rent
- overseas travel
- activity for which the Commonwealth, state, territory or local government bodies have primary responsibility.

## 6. The assessment criteria

You must address all of the following assessment criteria in the application.

When addressing the assessment criteria, you should consider the policies at section 10.2.

We will assess your application based on the weighting given to each criterion detailed below, if applicable.

The application form includes character limits – up to 6,000 characters (approx. 900 words) per criterion. The application form will not accept characters beyond this limit. Please note spaces are included in the character limit.

Each criteria is weighted equally.

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

### **Criterion 1 – How will you meet the needs of individuals seeking to engage with the Royal Commission.**

Applicants should demonstrate:

- Training, policies and procedures to provide a national trauma-informed legal service.
- Experience providing a legal service to intersectional individuals (such as Aboriginal and Torres Strait Islander persons, LBGTIQ+, older persons, culturally and linguistically diverse persons) with disability, their families, carers and supporters in an inclusive, culturally safe with human rights focused practice.

- Accessibility for the delivery of face-to-face, digital, and print advice and services on a national level.
- Referral means to assist individuals to access community supports for counselling and other legal practitioners.

### **Criterion 2 – How do you propose to deliver the national legal advisory service**

Applicants should demonstrate:

- Expertise in providing legal advice and information to individuals (inclusive of intersectional persons) with disability, their families, carers and supporters.
- National location(s), scaling and timeline for delivery of services for length of the Royal Commission.
- Policies, procedures and systems in place to deal with conflict of interests, confidentiality, safety of clients and staff and risk assessments. Provide information on insurance and professional indemnity.
- Examples of successful collaborations and stakeholder relationships, such as with disability, counselling and advocacy providers.
- A targeted marketing and engagement strategy.

### **Criterion 3 – Describe your capacity to deliver the proposed grant activity**

Applicants should demonstrate:

- Use of National Disability Strategy frameworks six policy areas (or equivalent).
- Meet Multicultural Access and Equity commitments (or equivalent) and legal requirements in providing of culturally appropriate and safe services to individuals.
- Ability to comply and adhere to the outcome requirements of the Indigenous Grants Policy.
- Costed plan for the term of the grant activity, outline of infrastructure delivery.
- Ability to develop, implement, manage and monitor grant (or equivalent) activities to achieve positive outcomes relevant to the grant activity.
- Strong governance and financial arrangements that exist in your organisation.

## **7. How to apply**

Before applying, you must read and understand these guidelines, the terms and conditions, the sample grant agreement and the Questions and Answers document.

These documents may be found on the [GrantConnect](#) website. Any changes to grant documentation are published on both sites and addenda<sup>1</sup> will be published on GrantConnect. By registering on this website, you will be automatically notified of any changes. GrantConnect is the authoritative source for grants information.

Invitees can only access these documents including the application form.

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

To apply you must:

- complete the online application form on GrantConnect

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<sup>1</sup> Alterations and addenda include but are not limited to: corrections to currently published documents, changes to close times for applications, questions and answers documents

- provide all the information requested
- address all eligibility criteria and assessment criteria
- include all necessary attachments
- submit your application on GrantConnect by 11.00PM AEST on 12 August 2019.

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

If you find an error in your application after submitting it, you should contact us immediately on Community Grants Hub on 1800 020 283 or emailing [support@communitygrants.gov.au](mailto:support@communitygrants.gov.au). The Community Grants Hub do 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 information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

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

We will acknowledge that we have received your application within seven working days. If you need further guidance around the application process or if you are unable to submit an application online contact us at the Community Grants Hub on 1800 020 283 or email [support@communitygrants.gov.au](mailto:support@communitygrants.gov.au).

## 7.1 Attachments to the application

We require the following documents with your application:

- an indicative budget with expected six monthly costings to align with reporting and acquittal requirements.
- evidence of support from your organisation's board, CEO or equivalent.

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

**Please note:** There is a 2mb limit for each attachment.

## 7.2 Joint (consortia) applications

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

In these circumstances, you must appoint a 'lead organisation'. Only the lead organisation can submit the application form and enter into a grant agreement with the Commonwealth. The application must identify all other members of the proposed group.

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

## 7.3 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.

Additional information can be obtained under the [Information for applicants tab](#) on the Community Grants website.

## 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 via [support@communitygrants.gov.au](mailto:support@communitygrants.gov.au).

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.

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

The Delegate or their appointed representative<sup>2</sup> will determine whether a late application will be accepted. The decision of the 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

If you are successful, you will be expected to start your grant activity on execution of the grant agreement.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	2 weeks
Approval of outcomes of selection process	2 weeks
Negotiations and award of grant agreements	1 weeks
Notification to unsuccessful applicants	2 weeks
Earliest start date of grant activity	On execution of the grant agreement
End date of grant activity	30 June 2022

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<sup>2</sup> This may be the Hub Delegate or nominated staff member of the client agency at the EL2 level or above.

## 7.4 Questions during the application process

If you have any questions during the application period only invited applicants' questions will be responded to during the application submission period, contact the Community Grants Hub on 1800 020 283 or email [support@communitygrants.gov.au](mailto:support@communitygrants.gov.au)

The Community Grants Hub will respond to emailed questions within five working days. Answers to questions are posted on the GrantConnect website.

The question period will close at 5:00PM AEST on 5 August 2019. 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

We will first review your application against the eligibility and assessment criteria.

Only eligible applications will move to the next stage. Eligible applications will be considered through a targeted competitive grant process.

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

- how well it meets the criteria
- how it compares to other applications.

A Selection Advisory Panel will consider:

- whether it provides value with relevant money.<sup>3</sup>

When assessing the extent to which the application represents value with relevant money, the Selection Advisory Panel will have regard to

- the overall objectives to be achieved in providing the grant
- the extent to which the evidence in the application demonstrates that it will contribute to meeting the outcomes/objectives of the Royal Commission
- applications will be rated based on scores against all assessment criteria
- the relative value of the grant sought
- extent to which the geographic location of the application matches identified priorities
- how the grant activities will target groups or individuals, specifically persons with disability, Australian Aboriginal and Torres Strait Islander peoples and Culturally and Linguistically Diverse people.

### 8.2 Financial viability

Applicants may be subject to financial viability assessment. The financial viability assessment forms part of the risk mitigation strategy and can include:

- whether it provides value with relevant money<sup>4</sup>
- that the proposed grant activity can be delivered on time and to budget in the applicant's supporting documentation

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<sup>3</sup> See glossary for an explanation of 'value with money'.

<sup>4</sup> See glossary for an explanation of 'value with money'.

- that the proposed grant activity has been appropriately costed – the level of detail and the costing should be commensurate with the value of the grant activity
- that the level of risk associate with the proposed grant activity and there are implementation is managed and/or acceptable and it is acknowledge that risk may stem from multiple sources.

### **8.3 Who will assess and select applications?**

We will assess each application on its merit and before making a recommendation to the Secretary of the department which application should be awarded a grant.

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

The Selection Advisory Panel is comprised of AGD officers who will recommend to the decision maker which applications to approve for a grant.

### **8.4 Who will approve grants?**

The Secretary of the department (the decision maker) decides which grants to approve based on the recommendations of the Selection Advisory Panel and the availability of grant funds for the purposes of the grant program.

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

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

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

## **9. Notification of application outcomes**

We will write to you about the outcome of your application. If you are successful, you are advised of any specific conditions attached to the grant.

### **9.1 Feedback on your application**

Individual feedback will not be provided for this grant opportunity.

A Feedback Summary will be published on the Community Grants Hub website to provide all organisations with easy to access to information about the grant selection process and the main strengths and areas for improving applications.

### **9.2 Further grant opportunities**

If there is not a suitable applicant to meet the program's objectives, the department will consider appointing a grantee via an ad-hoc grant process.

## **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 standard grant conditions that cannot be changed. Sample grant agreements are available on GrantConnect, as part of the grant 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. If you choose to start your grant activities before you have an executed grant agreement, you do so at your own risk.

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

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 with a schedule.

You will have fourteen (14) business days from the date of a written offer to sign and return this grant agreement. The grant agreement is not considered to be executed until both you and the Commonwealth have signed the 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 Specific legislation, policies and industry standards**

Whilst you are required to be compliant with all relevant laws and regulations, you will be requested to demonstrate compliance with the following policies:

### **10.2.1 Commonwealth Child Safe Framework**

The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the need for organisations to adopt child safe practices including appropriate screening of staff, mandatory reporting and adoption of the National Principles for Child Safe Organisations. The Australian Government committed to a new Commonwealth-wide framework to protect children and young people it is responsible for – the Commonwealth Child Safe Framework (CCSF).

The Australian Government is considering appropriate ways to apply the requirements of the CCSF to grant recipients. A child safety clause is likely to be included in a grant agreement where the Commonwealth considers the grant is for:

- services directly to children; or
- activities that involve contact with children that is a usual part of, and more than incidental to, the grant activity.

A child safety clause may also be included in the grant agreement if the Commonwealth considers the grant activity involves children more broadly.

The successful applicant will be required to comply with all child safety obligations included in the grant agreement published with this grant opportunity or notified to the successful applicant prior to execution of the grant agreement. Irrespective of the child safety obligations in the grant agreement you must always comply with your state and territory legislative requirements for working with children and mandatory reporting.



### **10.2.2 The Closing the Gap Refresh Agenda and the Indigenous Grants Policy (IGP)**

The Closing the Gap Refresh is a whole of government agenda for the Commonwealth with the State and Territories. It provides direct accountability to the Aboriginal and Torres Strait Islander Peoples on improving outcomes in the priority areas of families, children and youth, housing, justice (including youth justice), health, economic development, culture and language, education, healing and the elimination of racism and systemic discrimination.

The Closing the Gap Refresh provides the Australian Government with the framework to fund opportunities that will address the for intergenerational change, racism, discrimination and social inclusion, in particular for persons with a disability, gender and LGBTIQ+, healing and trauma, and the promotion of culture and language for Aboriginal and Torres Strait Islander peoples.

The Australian Government announced the trial of an Indigenous Grants Policy (IGP) on 12 February 2018. The IGP trial aims to increase the delivery of programs and activities by Indigenous organisations and the involvement of Indigenous Australians in services intended to improve their lives. The IGP trial commenced on 1 July 2018 and funding recipients will be required to capture some Aboriginal and Torres Strait Islander employment data and estimations of total value of goods and services provided by Indigenous businesses. The data will be used to inform the development of an ongoing whole-of-government policy that is flexible, sustainable and centred on improving outcomes for Indigenous Australians.

The Australian Government Indigenous Grants Policy (IGP) is to ensure that Indigenous people are involved in the design and delivery of program that affect them, and improve on-the-ground service delivery for Indigenous Australians.

### **10.2.3 Legal practitioner legislation, rules and code of conduct**

The successful applicant is required to ensure all persons involved in the delivery of this grant activity comply with all relevant legislation, rules and code of conduct in the provision of legal services in the states and territories of Australia.

To be eligible for a grant, you must declare in your application that you comply with these requirements. You will need to declare you can meet these requirements in your grant agreement with the Commonwealth.

### **10.2.4 National Disability Strategy**

The Australian Government's National Disability Strategy provides a framework for policy makers, service providers, community groups, businesses and families to engage with people with disability. The goal of the National Disability Strategy is to enable people with disability to realise their aspirations, maximise their independence and participate in their communities.

Grant applicants should demonstrate in their application how they will ensure their service will be accessible to people with varying levels of levels of disabilities that are physical, sensory, intellectual and psycho-social disabilities. For example, some individuals, their families and carers may require communication accessibility environment or use augmented communication methods.

### **10.2.5 Multicultural Access and Equity**

The Australian Government's *Multicultural Access and Equity Policy* obliges Australian government agencies to ensure their policies, programs and services - including those provided by contractors and service delivery partners - are accessible to, and deliver equitable outcomes for, people from culturally and linguistically diverse (CALD) backgrounds.

Grant applicants should consider how they will ensure their services will be accessible to people from CALD backgrounds. For example, service delivery partners may require cultural competency skills. In addition, services, projects, activities or events may require the use of professional translating or interpreting services in order to communicate with clients who have limited English proficiency. Based on an assessment of the client target group, costs for translating and interpreting services should be factored into grant applications.

### **10.3 How we pay the grant**

The grant agreement will state the maximum grant amount to be paid and the frequency of payments.

We will make payments according to an agreed schedule set out in the grant agreement. Payments are subject to satisfactory progress on the grant activity.

### **10.4 Grant payments and GST**

'Payments will be GST Inclusive'. If you are registered for the [Goods and Services Tax \(GST\)](#), where applicable, we will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice](#).

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](#).<sup>5</sup> 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 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.

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

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details
- ability to meet the objectives of the grant activity.

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

You must notify us of events relating to your grant and provide an opportunity for the Minister or their representative to attend.

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<sup>5</sup> <https://www.ato.gov.au/>

## 12.2 Reporting

You must submit reports in line with the grant agreement.

### Progress reports

Progress reports may require you to:

- 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.

Final reports must:

- identify if and how outcomes have been achieved
- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred
- be submitted within 30 days of completion in the format provided in the grant agreement.

## 12.3 Audited financial acquittal report

We will ask you to provide an independently audited financial acquittal report at the end of each financial year.

We will ask you to provide a final independently audited financial acquittal report at the end of the grant activity.

A financial acquittal report will verify that you spent the grant in accordance with the grant agreement.

## 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 writing to the department.

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 Record keeping

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

## 12.6 Evaluation

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

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

## 12.7 Acknowledgement

The program logo should be used on all materials related to grants under the program. Whenever the logo is used, the publication must also acknowledge the Commonwealth as follows:

“Legal advisory service for persons engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability” – an Australian Government initiative.

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

‘This legal advice service received grant funding from the Australian Government.’

## 13. Probity

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

These guidelines may be changed from time-to-time. When this happens, the revised guidelines will be published on GrantConnect.

### 13.1 Enquiries and feedback

#### **Complaints about this grant opportunity**

The department’s Client Service Charter apply to complaints about this grant opportunity. All complaints about a grant process must be provided in writing.

Any questions you have about grant decisions for this grant opportunity should be sent to the Legal Assistance Branch at [finass@ag.gov.au](mailto:finass@ag.gov.au).

#### **Complaints to the Ombudsman**

If you do not agree with the way 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 department.

The Commonwealth Ombudsman can be contacted on:

Phone (Toll free): 1300 362 072

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

### 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, the Department of Social Services, 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 or
- relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/ grant opportunity.

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

If you later identify an actual, apparent, or perceived conflict of interest, you must inform the department in writing immediately and include the information in your application.

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 1988* and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the department would breach an Australian Privacy Principle as defined in the 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 three conditions below:

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

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: Director, Freedom of Information and Parliamentary Section Strategy & Delivery  
Division  
Attorney-General's Department  
3-5 National Circuit Barton ACT 2600[

By email: [foi@ag.gov.au](mailto:foi@ag.gov.au)

## 14. Consultation

In the development of this grant opportunity, the department has consulted with the following organisations:

- Royal Commission into Abuse, Violence, Neglect and Exploitation of People with Disability
- Department of Social Services
- National Association of Community Legal Centres (NACLC)
- National Aboriginal & Torres Strait Islander Legal Services (NATSILS)
- National Legal Aid (NLA).

## 15. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the <a href="#">Public Governance, Performance and Accountability Act 2013</a>
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
completion date	the expected date that the grant activity must be completed and the grant spent by
co-sponsoring entity	when two or more entities are responsible for the policy and the appropriation for outcomes associated with it
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
<a href="#">Commonwealth Grants Rules and Guidelines (CGRGs)</a>	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.
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"> <li>a. under which relevant money<sup>6</sup> or other <a href="#">Consolidated Revenue Fund</a> (CRF) money<sup>7</sup> is to be paid to a grantee other than the Commonwealth; and</li> <li>b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.</li> </ol>
grant activity/activities	refers to the project/tasks/services that the grantee is required to undertake
grant agreement	sets out the relationship between the parties to the agreement, and specifies the details of the grant
<a href="#">GrantConnect</a>	is the Australian government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs
grant opportunity	refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
grant program	a 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single [entity] Portfolio Budget Statement Program.
grantee	the individual/organisation which has been selected to receive a grant
Portfolio Budget Statement (PBS) Program	described within the entity's <a href="#">Portfolio Budget Statement</a> , 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.

<sup>6</sup> Relevant money is defined in the PGPA Act. See section 8, Dictionary.

<sup>7</sup> 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.
selection advisory panel	provides strategic oversight, advice and recommendations to the decision maker on assessed applications from the program specific, service provider composition and service location perspectives.
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"> <li>• quality of the project proposal and activities;</li> <li>• fit for purpose of the proposal in contributing to government objectives;</li> <li>• absence of a grant is likely to prevent the grantee and government's outcomes being achieved</li> <li>• potential grantee's relevant experience and performance history.</li> </ul>