



Australian Government
National Indigenous
Australians Agency

Community
Grants Hub
Improving your grant experience



NAIDOC Local Grants Program Grant Opportunity Guidelines

Opening date:	17 January 2022
Closing date and time:	9:00 pm AEDT on 22 February 2022
Commonwealth policy entity:	National Indigenous Australians Agency
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 AEDT on 15 February 2022
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Contents

1. Culture and Capability: NAIDOC Local Grants Program processes	4
1.1 Introduction	5
1.2 Other NIAA grant opportunities	5
2. About the grant program	5
3. Grant amount and grant period	6
3.1 Grants available	6
3.2 Grant period	6
4. Eligibility criteria	6
4.1 is eligible for funding?	7
4.2 Additional eligibility requirements	8
4.3 Incorporation requirements	8
4.4 Who is not eligible to apply for a grant?	8
4.5 ?	8
5. What the grant money can be used for	9
5.1 Eligible grant activities	9
5.2 Eligible expenditure	10
5.3 What the grant money cannot be used for	10
6. The assessment criteria	11
7. How to apply	11
7.1 Attachments to the application	13
7.2 Joint (Consortia) applications	13
7.3 Budget	13
7.4 Declaration in application form	14
7.5 Legal and financial advice	14
7.6 Indigenous interpreters	14
7.7 Disability	14
7.8 Supporting equitable access, including gender equity	14
7.9 Timing of grant opportunity processes	14
7.10 Questions during the application process	15
8. The grant selection process	15
8.1 Assessment of grant applications	15
8.2 Who will assess and select applications?	16
8.3 The use of additional information in assessment	16
8.4 Indigenous Grants Policy Trial	17
8.5 Who will approve grants?	17
9. Notification of application outcomes	18
9.1 Feedback on your application	18

10. Successful grant applications	18
10.1 The grant agreement	18
10.2 Negotiation of funded activities	19
10.3 Management of debt and underspend	19
10.4 Commonwealth Child Safe Framework	20
10.5 Specific legislation, policies and industry standards	20
10.6 How we pay the grant	20
10.7 Grant payments and GST	20
11. Announcement of grants	20
12. How we monitor your grant activity	20
12.1 Keeping us informed	20
12.2 Reporting	21
12.3 Financial declaration	21
12.4 Grant agreement variations	21
12.5 Non-compliance	22
12.6 Record keeping	22
12.7 Evaluation	22
12.8 Acknowledgement	22
13. Probity	22
13.1 Enquiries and feedback	22
13.2 Conflicts of interest	23
13.3 Privacy	24
13.4 Confidential information	24
13.5 Freedom of information	25
14. Glossary	26
Appendix A: Culture and Capability	31
Appendix B: Incorporation requirements	35
Appendix C: Application checklist	37

1. Culture and Capability: NAIDOC Local Grants Program processes

The NAIDOC Local Grants Program is designed to achieve Australian Government objectives.

This grant opportunity is part of the above grant program, which contributes to the National Indigenous Australians Agency's *Outcome 1: Lead the development and implementation of the Australian Government's agenda to improve the lives of Indigenous Australians through focusing on place-based solutions, working in partnership, and effectively delivering programs.* The National Indigenous Australians Agency 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 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 to the decision maker on the merits of each application.



Grant decisions are made

The decision maker, the Regional Manager 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 NAIDOC Local Grants Program

We evaluate your specific grant activity and the NAIDOC Local Grants 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 NAIDOC Local Grants Program, including how to apply for grant funding.

You must read these guidelines before filling out an application.

This document sets out:

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

These guidelines do not apply to procurement activities. The procurement of goods and services are undertaken in accordance with the Commonwealth Procurement Rules, Secretary's Instructions and Financial Rules of NIAA, and the provisions of the [Public Governance Performance and Accountability Act 2013 \(Cth\) \(PGPA Act\)](#).

This grant opportunity and process will be administered by the Community Grants Hub on behalf of the National Indigenous Australians Agency (NIAA).

1.2 Other NIAA grant opportunities

Other grant opportunities within NIAA will have their own guidelines separate to these and may have different requirements to those listed in this document. These opportunities and any applicable guidelines will be advertised separately.

2. About the grant program

The NAIDOC Local Grants program is delivered under the [Indigenous Advancement Strategy](#) (IAS) and is one way the Australian Government funds and delivers programs for Indigenous Australians. There are a number of grant opportunities under the IAS, including the grants process outlined in these guidelines.

The NAIDOC Local Grant opportunity is delivered under the IAS, which contributes to Program 1.4 – Culture and Capability within Outcome 1 of NIAA's [Portfolio Budget Statement](#). Refer to [Appendix A](#) for further information about Program 1.4 – Culture and Capability.

The NAIDOC Local Grants opportunity run in the 2021–22 financial year.

NAIDOC activities will be funded through the Culture and Capability Program to align with the 2022 theme 'Get Up! Stand Up! Show Up!'.

The objectives of the program are to promote:

- the expression, engagement and conservation of Indigenous Australians' cultures
- Indigenous Australians' participation in the social and economic life of Australia through healing, and strengthening the capability, governance and leadership of Indigenous Australians, organisations and communities
- broader understanding and acceptance of the unique place of Indigenous Australians' cultures in Australian society.

The intended outcomes of the program are to:

- contribute to the maintenance and strengthening of Indigenous Australians' cultural expression and conservation, including recognition of Australia's shared history and valuable Indigenous Australian heritage
- support activities that increase the participation of Indigenous Australians in Australian society through healing and improved individual, community and organisational capability and leadership
- promote the unique place Indigenous Australians and their cultures have in Australian society.

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 Indigenous Advancement Strategy has a budget total of \$5.7 billion (GST exclusive) over 4 years from 2021–22 to 2024–25. For this NAIDOC Local Grants opportunity, a total of up to \$1.4 million GST exclusive is available in 2021–22.

The grant opportunity will run from 17 January 2022 to 22 February 2022.

While there are no maximum or minimum amounts that can be applied for under this grant round, the majority of grants are expected to be for amounts of \$200 to \$1,000 GST exclusive, depending on the scope of the grant activity and its complexity.

These grants may contribute to an activity with funding from other sources. The number of activities funded and the amount of each contribution depends on the availability of grant funds. NIAA will consider value for money and availability of funds to meet priorities in offering a grant amount. Information on previous grants awarded is available on the [GrantConnect](#) website and examples of previously funded activities are at section 5.1.

3.2 Grant period

Project activities funded under the NAIDOC Local Grants Program should ideally occur during the scheduled NAIDOC Week (3 – 10 July 2022) or sometime in July 2022. Activities or events must be held no earlier than 27 June 2022 and no later than 30 November 2022.

4. Eligibility criteria

We will not consider applications that do not satisfy all the eligibility criteria. The decision maker can choose to waive the eligibility criteria; however, they must be made aware of the risks.

4.1 Who is eligible for funding?

To be eligible to apply for grant funding under the NAIDOC Local Grants opportunity you must be one of the following entity types:

- Company¹
- Cooperative²
- Corporate State or Territory Entity
- Incorporated Association³
- Indigenous Corporation⁴
- Local Government Entity⁵
- Non-corporate State or Territory Entity
- Person⁶
- Sole Trader
- Statutory Entity
- a school or correctional facility (note: State and Territory agencies and bodies may apply on behalf of a school or correctional facility, such as under NSW and WA funding arrangements for NAIDOC activities. Please refer to the separate Frequently Asked Questions document for further information)

Applicants that are an eligible entity type must also have an account with an Australian financial institution.

If you are applying as a person, you must be a permanent resident of Australia.

If you are applying as a Trustee on behalf of a Trust⁷, the Trustee must be an eligible entity type as listed above.

Community groups that are not eligible to apply for funding are encouraged to consider partnering with an eligible organisation in a consortium. Applications from consortia must be submitted by the eligible organisation as the lead applicant who is solely accountable to the Commonwealth for the delivery of grant activities and is an eligible entity as per the list above⁸.

¹ Company is a company incorporated under the *Corporations Act 2001* (Cth).

² Cooperative is an entity incorporated under State/Territory legislation, and commonly have 'Cooperative' in their legal name.

³ Incorporated Association is an entity incorporated under State/Territory legislation, and commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name.

⁴ Indigenous Corporation is an Aboriginal and/or Torres Strait Islander Corporation registered under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006 \(Cth\)](#) (CATSI Act).

⁵ Local Government Entity is an entity established under state or territory local government legislation, for the purposes of governing local areas within state or territory. In the states, they are generally referred to as local councils.

⁶ A person is a natural person, an individual, a human being.

⁷ Trusts are not legal entities in their own right – to be eligible, only the Trustee for the Trust can apply by providing the signed Trust Deed and any subsequent variations with the application form. Trustees must be an eligible entity type as stated in section 4.1. Both the Trust's and Trustee's details will be collected in the application form.

⁸ The Australian Government recognises that some organisations may seek to form consortia in order to apply for a grant under the program. Consortia are eligible to apply and the relevant conditions applicable to consortia are in section 7.2.

4.2 Additional eligibility requirements

Organisations are required to advise the NIAA if they have outstanding compliance issues with Commonwealth agreements and, if so, be working towards rectifying any issues. An organisation may be ineligible if the issues are unresolved or not in the process of being rectified at the time of application assessment.

4.3 Incorporation requirements

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

- incorporate under Commonwealth legislation - Indigenous organisations will be required to incorporate under the CATSI Act, and other organisations will be required to incorporate under the Corporations Act
- maintain these arrangements while they continue to receive any IAS funding, including NAIDOC Local Grants funding.

Indigenous Organisations already incorporated under the Corporations Act do not have to change their incorporation status. However, all other Indigenous Organisations must be incorporated under the CATSI Act so they can access the assistance and support available under the Act.

For further information on incorporation requirements, please refer to [Appendix B](#).

4.4 Who is not eligible to apply for a grant?

You are not eligible to apply if you are a/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'
- organisation named as currently non-compliant under the [Workplace Gender Equality Act 2012](#) (Cth) by the closing date and time of this grant opportunity
- Corporate Commonwealth Entity
- International Entity
- Non-corporate Commonwealth Entity
- Non-corporate Commonwealth Statutory Authority
- Non-corporate State or Territory Statutory Authority
- Unincorporated Association
- entity type not included in section 4.1
- State and/or Territory agency or body, including Government Business Enterprises (except if applying on behalf of a school or correctional facility).

4.5 What qualifications, skills or checks are required?

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

- Working with Children checks
- Working with Vulnerable People checks

- Workplace Health and Safety
- industry licenses
- registration or Australian Skills Quality Authority accreditation.

5. What the grant money can be used for

5.1 Eligible grant activities

The following list provides a sample of the types of activities that the Commonwealth has funded in previous years as a guide. This list is neither exhaustive nor mandatory. Applicants should use the Culture and Capability Program Outcomes (see [Appendix A](#)) to check the proposal is in scope.

Sample projects include:

- arts based activities, including painting, dancing, crafts and storytelling
- family fun days
- cultural activities
- elders activities
- bush tucker and other community cooking activities
- NAIDOC themed sporting activities or competitions
- activities that actively promote reconciliation
- flag⁹ raising ceremonies with accompanying activities
- activities that promote health outcomes for Aboriginal and Torres Strait Islander people.

NIAA encourages applications for the funding of services and activities tailored to local circumstances with the involvement of Indigenous communities. Wherever possible, proposals for NAIDOC Local Grants Program funding should seek to engage local Aboriginal and Torres Strait Islander people to assist in delivering the project.

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

Before commencing an activity, it is your responsibility to develop a COVID-19 Risk Management Plan. The Risk Management Plan should include any potential risks associated with the delivery of an activity, and identify the strategies that you will put in place to minimise those risks. Upon request, you may be required to provide evidence that you have a COVID-19 Risk Management Plan in place.

In line with this, you may also wish to consider arranging an activity that can be delivered remotely. For example, participants could respond to a theme at home and share online, or materials for an activity (for example, some craft) can be delivered to enable participation, with the final product shared online or in a community gallery that people can visit on an individual basis.

It is important to note that funding is not guaranteed and will be subject to the outcomes of the assessment process of the NAIDOC Local Grants Program.

⁹ Use of images of the Aboriginal flag at your event: NIAA wants to protect the integrity of the Aboriginal Flag for all Australians. Please be aware that Mr. Harold Thomas is the copyright holder of the Aboriginal Flag. NIAA also understands that WAM Clothing has exclusive copyright licensing rights in relation to the Aboriginal Flag. For any use or reproduction of the Aboriginal Flag, permission will need to be sought from Mr. Thomas and/or WAM Clothing. For more information, please visit the [NIAA website](#).

5.2 Eligible expenditure

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

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 decision maker makes the final decision on what is eligible expenditure.

Unless otherwise agreed in writing by the Commonwealth, you must incur the expenditure between the dates specified in your grant agreement for it to be eligible.

5.3 What the grant money cannot be used for

Activities or expenses that will not be funded include, but are not limited to, the following:

- activities that do not clearly align to the identified outcomes of Program 1.4 - Culture and Capability
- purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) payment of fines or loans, purchase of gifts, personal debts, or sitting fees
- costs incurred in the preparation of a grant application or related documentation unless specifically agreed with NIAA
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility
- expenses for which other Commonwealth, state, territory or local government bodies have primary responsibility to provide the source of funding, unless otherwise specifically agreed with NIAA.
- activities that have been completed
- the covering of retrospective costs
- purchase of capital items
- purchase of land
- payment of salaries
- activities that take place overseas
- overseas travel
- administration fees
- gifts, such as gift cards and certificates
- conferences and meetings
- Welcome to Country services or ceremonies
- infrastructure and support costs associated with ongoing activities
- alcohol
- capital expenditure for the purpose of assets such as office furniture and equipment, motor vehicles, production designs or technologies, computers, printers, photocopiers, construction and renovations.

Further detail of activities that are out of scope for funding is included at [Appendix A](#).

6. The assessment criteria

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

All the assessment criteria have equal weighting.

The application form includes character limits, up to 2,000 characters (approximately 300 words) per criterion. The application form will not accept characters beyond this limit. Please note spaces are included in the character limit.

The amount of detail and supporting evidence you provide in your application should be relative to the complexity and grant amount requested. The application form includes word limits.

You can attach evidence in support of your application such as letters of support and research/statistics however, this is not mandatory.

Criterion 1: Need and community involvement

You should demonstrate this by identifying how the proposed activity:

- aligns to the 2022 National NAIDOC theme 'Get Up! Stand Up! Show Up!'
- supports the Australian Government's commitment to celebrate, support, and raise awareness of Aboriginal and Torres Strait Islander cultures and histories within the wider community.

Criterion 2: Cultural competence

You should demonstrate this by:

- explaining your capacity to deliver quality, culturally competent activities for the target community/ies or groups.

Criterion 3: Organisational capability

You should demonstrate this by describing how:

- your resources and capability will support you to deliver high quality activities
- the risks associated with the proposed activity will be managed.

Criterion 4: Delivering outcomes

You should demonstrate this by:

- describing how the proposed activity can deliver the intended outcomes for the target community/ies or group/s.

7. How to apply

Before applying, you must read and understand these guidelines, the terms and conditions, sample grant agreement and questions and answers.

These documents are found on the [GrantConnect](#) and [Community Grants Hub](#) websites. Any changes to grant documentation are published on both sites and addenda¹⁰ 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.

¹⁰ 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.

You can only submit one application form for this grant opportunity. Where you are proposing more than one activity (for example, in different locations), they must all be included in the one application. If more than one application is submitted, the latest accepted application form will progress.

To apply, you must:

- complete the online application form on the [GrantConnect](#) or [Community Grants Hub](#) website
- 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 22 February 2022.

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.

Step 1: Ensure that your proposal aligns with the objectives of the NAIDOC Local Grants Program

Refer to section 2 to ensure that your proposal addresses the objectives of the NAIDOC Local Grants Program.

Step 2: Ensure you meet all eligibility criteria

Refer to section 4 for further information around eligibility under the NAIDOC Local Grants Program.

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

To apply for grant funding under this Program you must:

1. Complete the application form, including addressing all eligibility and assessment criteria.
2. Provide all the information requested, including any attachments.
3. Use the checklist at [Appendix C](#) to ensure your application is complete.

Step 4: Submit your application

Submit your application by the closing date. It is important to note that any discussion with NIAA or the Community Grants Hub about a grant activity or the lodgement of an application form does not guarantee that your activity will be funded.

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

You will receive an electronic successful submission receipt that includes your submission reference number once your application has been successfully lodged.

7.1 Attachments to the application

All of the following supporting documents must be attached to your application.

- Letters of support, if applying in a consortium arrangement (see section 7.2).
- Trust deed and any subsequent variations, if applying as a trustee on behalf of a trust.

If a mandatory attachment is not used, your application will be considered non-compliant and will not proceed to assessment.

You must attach supporting documentation according to the instructions provided within the application form. You should only attach requested documents.

Please note there is a 2 MB limit for each attachment.

7.2 Joint (Consortia) applications

We recognise that some organisations may want to join together as a consortium 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 lead organisation must also be an eligible entity type as outlined in section 4.1. The application must identify all other members of the consortium. You must have a formal arrangement in place with all parties. All parties will be required to act in accordance with the grant agreement.

Organisations 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' will not be eligible to be members of a consortium arrangement.

When submitting an application on behalf of a consortium, you must provide a letter of support from each of the consortium members (all consolidated into one document). Each letter of support should include:

- organisation details of the consortium members (including the percentages of Indigenous ownership, control and/or management)
- an overview of how each consortium member will work with the lead organisation and any other consortium members to successfully complete the grant activity
- an outline of the relevant experience and/or expertise each consortium member will bring to the group
- the roles/responsibilities of each consortium member and the resources they will contribute, if any
- details of a nominated management level contact officer at each consortium member.

7.3 Budget

We will require you to provide an itemised budget in your application. This will be used to assess the proposal. All budget figures must be GST exclusive. The budget must be for eligible grant activities (see section 5) and should include a breakdown of costs for the proposed activity.

7.4 Declaration in application form

In the application form, you will be asked to declare you understand and agree the information you have provided is true and correct and that you have read, understood and agree to the terms and conditions. This declaration must be completed by the applicant or a person authorised to act on behalf of the applicant. When completing the form online, the applicant, or person authorised to act on behalf of the applicant, should type their full name and position, and include any qualifications and licencing requirements of the applicant as outlined in section 4.5.

7.5 Legal and financial advice

NIAA and the Community Grants Hub do not provide financial or legal advice to applicants or grantees. Applicants or grantees should seek their own independent professional advice on financial and legal matters, including compliance with any statutory obligations.

7.6 Indigenous interpreters

Where possible and relevant, the proposed activity should take into account the cultural and linguistic needs of Indigenous Australians and others whose first language is not English, and be mindful of the [Commonwealth Ombudsman's Best Practice Principles](#) for interpreting.

7.7 Disability

Where possible and relevant, the proposed activity should take into account the needs of Indigenous Australians and others with disability including how the proposal supports one or more of the seven policy outcome areas outlined in [Australia' Disability Strategy 2021-2031](#).

7.8 Supporting equitable access, including gender equity

Where possible and relevant, applications should take into account the differing barriers and opportunities experienced by subsets of the target community, including Indigenous men and women, and the impact these might have on access to funded activities. This could include articulating the specific ways delivery of the activity will address barriers to participation for different groups for example, how the activity will support gender equitable outcomes in the community.

7.9 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 up to 5:00 pm on 28 February 2022 (being 6 calendar days after the grant opportunity has closed).

The delegate or their appointed representative¹¹ 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 around June 2022. Project activities funded under the NAIDOC Local Grants Program should ideally occur during the scheduled NAIDOC Week 2022, 3–10 July 2022, or sometime in July 2022. Events must be held no earlier than 27 June 2022 and no later than 30 November 2022.

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	Within 4 weeks from the closing date
Approval of outcomes of selection process	Within 7 weeks from the closing date
Notification to unsuccessful applicants	Within 9 weeks from the closing date
Negotiations and award of grant agreements	Within 14 weeks from the closing date
Earliest start date of grant activity	June 2022
End date of grant activity	November 2022

7.10 Questions during the application process

If you have any questions during the application 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 the [GrantConnect](#) and [Community Grants Hub](#) websites.

The question period will close at 5:00 pm AEDT on 15 February 2022. 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. If your application does not meet the eligibility criteria, we will not

¹¹ This may be the NIAA delegate or nominated staff member at the EL2 level or above.

assess your application and will notify you if this is the case. Eligible applications will then be considered through an open competitive grant process.

You may be asked to provide further information. Your application may not be able to be processed while this information is outstanding. Applicants are encouraged to provide any requested documents as soon as possible.

8.2 Who will assess and select applications?

The Community Grants Hub will review your application against the eligibility criteria. If eligible, assessment will be undertaken by NIAA staff and, in some circumstances, other individuals appointed by NIAA. Assessors will have access (as required) to subject matter experts and NIAA regional office staff. NIAA will assess your application against the assessment criteria (see section 6) and against other applications. NIAA will consider your application on its merits, based on:

- how well it meets the criteria
- how it compares to other applications
- whether it provides value with relevant money¹².

This enables applications to be scored to determine whether they fully meet, partially meet or do not meet the assessment criteria.

Key considerations in determining value with relevant money include:

- the relative total value and breakdown of costs (budget) of the grant sought
- the quality and purpose of the grant activity
- intended outcomes
- alignment with Culture and Capability and NAIDOC program objectives
- relevant experience of the applicant

If you are an applicant who already receives IAS funding, we may consider your previous performance, demonstrated capability to deliver the activity, and/or other information, which has been made available to NIAA.

To ensure probity, NIAA staff who provide support in developing a proposal will not be involved in the assessment of the application.

Any assessor/expert/advisor who is not a Commonwealth or state official will be subject to the same requirements as a government employee and be required/expected to perform their duties in accordance with the CGRGs.

8.3 The use of additional information in assessment

NIAA may draw on sources other than your application to assess your application or to verify claims, which may include but are not limited to:

- information from within NIAA available through the normal course of business such as knowledge about your previous performance or knowledge about priority areas of community need
- information about you or your application from other Commonwealth, state, territory or local government agencies, whether or not you nominated them as a referee

¹² See [Glossary](#) for an explanation of 'value with relevant money'.

- representatives from an Indigenous community or organisation, or subject-matter experts, who are on an assessment panel, whether or not you nominated them as a referee.

8.4 Indigenous Grants Policy Trial

The IAS is part of a trial of the Indigenous Grants Policy (IGP), which was announced on 12 February 2018 by the former Prime Minister and the former Minister for Indigenous Affairs. The trial commenced on 1 July 2018. NIAA is one of 3 government agencies participating in the trial, which is intended to test how best to achieve the following objectives:

- increase the involvement of Indigenous Australians and organisations in the grant funded services and programs that are intended to benefit them
- improve on-the-ground service delivery for Indigenous Australians
- leverage the Australian Government's investment to stimulate greater economic development for Indigenous Australian peoples

In order to meet these objectives, where there are 2 similarly ranked proposals¹³, NIAA may give ordered preference to:

- Indigenous organisations (at least 51% Indigenous ownership and at least 51% Indigenous control).

Then

- organisations with at least 50% Indigenous ownership, control or management.

Then

- any organisation, including non-Indigenous organisations, with a demonstrated commitment to increasing Indigenous employment, supplier use and/or engagement.

Refer to the [Glossary](#) for definitions of “ownership”, “control” and “management”.

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

NIAA may also gather information from applicants about the total value and number of contracts for goods and services that are provided by Indigenous Enterprises¹⁴.

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

8.5 Who will approve grants?

Based on the value of the grant round, and in line with the NIAA Financial Delegations, the Regional Manager will be the decision maker for this grant opportunity. The decision maker decides which grants to approve based on the recommendations of the NIAA assessment team including the merit of the applications, consideration of the assessment, risks, value for money, priority areas of need, availability of funding and any further information that may become known.

¹³ Applications will be ranked as “Meets”, “Partially meets” or “Does not meet” the criteria.

¹⁴ See the [Glossary](#) for the definition of Indigenous Enterprises.

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

- approval of the grant
- grant funding amount to be awarded.

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

9. Notification of application outcomes

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

9.1 Feedback on your application

A feedback summary will be published on the [Community Grants Hub](#) website to provide all organisations with easy access to information about the grant selection process and the main strengths and areas for improving applications.

If your application is unsuccessful, you may seek individual feedback on your application. The process for requesting individual feedback will be included in the general feedback summary.

10. Successful grant applications

10.1 The grant agreement

If you are successful and you choose to accept a grant offer, you must enter into a legally binding grant agreement with the Commonwealth. We will offer successful applicants a Letter of Agreement for this grant opportunity.

Letter of Agreement

We will send you a Letter of Agreement with the corresponding grant conditions providing you with an offer. You will have 15 calendar days from the date of a written offer to sign and return the letter of offer. The agreement is not considered to be executed until both you and the Commonwealth have signed the agreement.

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.

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

- key performance indicators and performance reporting requirements
- financial reporting requirements
- a funding payment schedule
- mandatory requirements for Working with Children checks, Working with Vulnerable People checks
- insurance requirements including compliance with the [Work Health and Safety Act 2011 \(Cth\)](#) to cover your obligations in relation to the grant funding to be delivered

- compliance with the [Australian Privacy Principles](#) as set out in Schedule 1 of the [Privacy Act 1988](#) (Cth) (Privacy Act).
- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential
- record keeping requirements.

Each agreement has general grant conditions that cannot be changed. Sample grant agreements are available on the [GrantConnect](#) and [Community Grants Hub](#) websites 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. You must not start any NAIDOC Local Grant activities until a grant agreement is executed. If you choose to start your grant activities before you have an executed grant agreement, you do so at your own risk (including incurring financial costs that may not be covered by the grant agreement).

Receipt of any grant funding from other Commonwealth, state or territory government granting programs for the same activity may limit the amount of funding you might be entitled to under the this program. You must provide information about other funding received for NIAA's consideration.

We may manage the grant agreement through our Grant Recipient Portal. Accepting the agreement through the Grant Recipient Portal is the equivalent of signing a grant agreement. After you have accepted it, we will execute the 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 agreement will be available through the portal. The agreement will not become binding until it is executed.

You will work with a Funding Arrangement Manager from the Community Grants Hub to effectively manage the grant agreement.

If you fail to meet the obligations of the grant agreement, your agreement may be terminated. The Commonwealth may recover grant funds if there is a breach of the grant agreement.

10.2 Negotiation of funded activities

Before a grant agreement is entered into, the Community Grants Hub will negotiate the scope of the activity with you. Relevant community stakeholders may also be involved in these negotiations to ensure the activity is tailored to meet local community or regional need.

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

10.3 Management of debt and underspend

A previous debt or underspend of an IAS grant may influence the outcome of an application, including an awarded grant amount. NIAA reserves the right to recover underspends of one grant via offsets in another. Offsetting involves reducing future grant payments up to the amount of the underspend. If a debt has been incurred, NIAA may seek return of those funds or pursue other remedies.

10.4 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 successful applicant will be required to comply with all child safety obligations under state and territory legislative requirements for working with children, and any mandatory reporting obligations.

10.5 Specific legislation, policies and industry standards

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

10.6 How we pay the grant

The grant agreement will state the maximum grant amount to be paid. We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

We will pay 100% of the grant by bank transfer on the Activity start date as stipulated in the grant agreement.

You may be required to report how you spent the grant funds at the completion of the grant activity.

10.7 Grant payments and GST

Payments will be [Goods and Services Tax \(GST\)](#) inclusive unless you are not registered for GST. If you are registered for the GST, where applicable, we will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice](#).

If a government related entity is successful (only applicable for schools and correctional facilities as outlined in section 4.4), GST will not apply.

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 activities or organisation.

We need to know of any 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 because of these changes.

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details
- ABN
- GST registration or status

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

12.2 Reporting

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.

12.3 Financial declaration

We may ask you to provide a financial declaration that the grant money was spent in accordance with the grant agreement and to report on any underspends of the grant money. Financial reporting requirements will be specified in the grant agreement.

12.4 Grant agreement variations

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

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

You can request a variation by contacting your Funding Arrangement Manager¹⁵ in the Community Grants Hub.

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

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

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

¹⁵ See the [Glossary](#) for the definition of Funding Arrangement Manager.

All decisions to vary a grant agreement must be mutually agreed to between you and the Community Grants Hub.

12.5 Non-compliance

The Community Grants Hub will work with you to achieve the intended outcomes of the activity. In circumstances of non-compliance with the grant agreement, an appropriate response may be considered under the grant agreement, including recovery of grant funds or termination of the agreement.

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 grant program 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. This may include the provision of any additional documentation where available, such as any satisfaction surveys undertaken, feedback, or news stories.

We may contact you up to 2 years after you finish your grant for more information to assist with any evaluation.

12.8 Acknowledgement

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

'This NAIDOC Local Grants activity received grant funding from the Australian Government.'

13. Probity

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

These guidelines may be changed by NIAA. 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 NIAA [Feedback and Complaints policy](#) applies to complaints about this grant opportunity. All complaints about this grant opportunity, including grant decisions, must be made in writing.

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

Complaints about the selection process

Applicants can contact the complaints service with complaints about the Community Grants Hub's service/s 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 NIAA have 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 NIAA.

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 can affect the performance of the grant opportunity or program. There may be an actual conflict of interest, a perceived conflict of interest, or a potential conflict of interest, if NIAA and Community Grants Hub staff, any member of a committee or advisor and/or you or any of your personnel has a:

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

You will be asked to declare, as part of your application, any 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 NIAA and 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 NIAA 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.
Community Grants Hub	The Community Grants Hub (the Hub) provides a shared-services arrangement to deliver grant administration services on behalf of Australian Government client agencies to support their policy outcomes. Client agencies are responsible for grant policy and the development of grant programs, while the Hub is responsible for administering grant programs at the direction of policy owners and consistent with the requirements of the Commonwealth Grants Rules and Guidelines 2017.
completion date	the expected date that the grant activity must be completed and the grant spent by.

Term	Definition
Control	<p>Control is related to the people in your organisation that have decision-making authority over strategic direction or governance. For most entities, this will mean your Board or Management Committee. Depending on the legal entity type, control may mean:</p> <ul style="list-style-type: none"> ▪ Directors and Secretary—Company Limited by Shares, Company Limited by Guarantee, Cooperatives ▪ Management Committee and Public Officer— ORIC-Registered Indigenous Corporations, Incorporated Associations ▪ Proprietor/partner—Sole traders, actual person partnerships. <p>Note: for trusts, the trustee will typically be one of the legal entities above.</p>
<i>Corporations Act 2001</i>	<p>An act of the Commonwealth that sets out the laws dealing with business entities in Australia at federal and interstate level. It focuses primarily on companies, although it also covers some laws relating to other entities such as partnerships and managed grant funding schemes. Incorporation can be applied for through the Australian Securities and Investment Commission (ASIC) website.</p>
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	<p>The law that establishes the role of the Registrar of Aboriginal and Torres Strait Islander Corporations, now called the Registrar of Indigenous Corporations, and allows Indigenous Australian groups to form corporations. The <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (CATSI Act) replaced the <i>Aboriginal Councils and Associations Act 1976</i> (ACA Act). Under the CATSI Act, laws governing Indigenous corporations have been modernised while retaining special measures to meet the specific needs of Indigenous Australians. Incorporation can be applied for through the Office of the Registrar of Indigenous Corporations (ORIC) website.</p>
co-sponsoring entity	<p>when two (2) or more entities are responsible for the policy and the appropriation for outcomes associated with it.</p>
date of effect	<p>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.</p>
decision maker	<p>the person who makes a decision to award a grant.</p>
eligibility criteria	<p>refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.</p>

Term	Definition
evaluation	Evaluation is the systematic measurement of the significance, merit and worth of policies and programs, undertaken to understand and improve decisions about investment. Evaluation involves the assessment of outcomes and operations of programs or policy compared to expectations in order to make improvements.
Funding Arrangement Manager	is the officer responsible for the ongoing management of the grantee and their compliance with the grant agreement.
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 money¹⁶ or other Consolidated Revenue Fund (CRF) money¹⁷ 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 Opportunity Guidelines	<ol style="list-style-type: none"> 1. Grant Opportunity Guidelines inform potential applicants of the terms and conditions of a grant opportunity. 2. Activity-specific Guidelines outline the context for a specific grant opportunity, designed to inform the potential applicant of the terms and conditions. <p>It is a CGRG requirement to develop Grant Opportunity Guidelines and have them publically available.</p>
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.

¹⁶ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

¹⁷ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
GrantConnect	is the Australian Government’s whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
grantee	the individual/organisation which has been selected to receive a grant.
Indigenous Enterprise	An entity with at least 50% Indigenous ownership, as outlined in the Indigenous Procurement Policy .
Indigenous Organisation	<p>Aligns with the s29-5 of the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (CATSI Act) and Part 2 – Regulation 6 of the <i>Corporations (Aboriginal and Torres Strait Islander) Regulations 2017</i> (CATSI Regulations),</p> <ul style="list-style-type: none"> ▪ If the corporation has five (5) or more members – at least 51 per cent of the members are Indigenous Australians. ▪ If the corporation has fewer than 5 members but more than one member – all of the members, or all but one of the members are Indigenous Australians ▪ If the corporation has only one member – that member is an Indigenous Australian. <p>Note that “member” is used as a term for ownership and may vary between entity types (e.g. “shareholder” for co-operatives).</p> <p><u>and</u></p> <p>Aligns with s246-5 of the Act - <u>a majority of the directors must be Indigenous.</u></p>
Key Performance Indicator	A measure that provides information about the extent to which the activities or services meet agreed performance requirements.
Management	<p>Management refers to the responsibility for the day-to-day operation of the funded organisation. It includes:</p> <ul style="list-style-type: none"> ▪ the CEO (or equivalent) ▪ the people occupying the highest positions in relation to: <ul style="list-style-type: none"> – service delivery – finances – operations (e.g. property, ICT), and/or <p>human resources.</p>
National Redress legislation	means the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 .

Term	Definition
Owners (Ownership)	<p>Depending on legal entity type, “Owners” may be based on your:</p> <ul style="list-style-type: none"> ▪ Members—ORIC-Registered Indigenous Corporations, Companies Limited by Guarantee, Incorporated Associations ▪ Shareholders—Companies Limited by Shares, Cooperatives ▪ Proprietors/partners—Sole traders, actual person partnerships ▪ Beneficiaries—Trusts <p>If you are a for-profit entity, ownership relates to those who draw a financial benefit from the entity (other than a salary/wage). For not-for-profits, “benefit” is a broader term that may include social/cultural benefits or maintaining an asset or rights (including native title).</p>
Portfolio Budget Statement (PBS) program	<p>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.</p>
selection criteria	<p>comprise eligibility criteria and assessment criteria.</p>
selection process	<p>the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.</p>
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.

Appendix A: Culture and Capability

Program 1.4 Culture and Capability

Program Objectives

The objectives of this program are to support Aboriginal and Torres Strait Islander people to maintain their culture, participate equally in the economic and social life of the nation and ensuring that Indigenous organisations are capable of delivering quality services to their clients, particularly in remote areas.

Description

The Culture and Capability Program acknowledges the intrinsic value of culture to Aboriginal and Torres Strait Islander people identity. It contributes to Aboriginal and Torres Strait Islander people participating freely and fully in Australian society as equals and free from discrimination. Strong culture supports the achievement of outcomes across the IAS priority areas of schooling, economic participation and community safety.

Culture is central to the lives of Aboriginal and Torres Strait Islander people and is a key factor in improving and maintaining wellbeing. Pride in culture plays a pivotal role in shaping Aboriginal and Torres Strait Islander people's aspirations and choices. Efforts to address Indigenous disadvantage must recognise and build on the strengths of Aboriginal and Torres Strait Islander cultures and identities.

Supporting culture better enables Aboriginal and Torres Strait Islander people, organisations and communities to participate fully in the social and economic life of Australia. It provides a platform by which individuals, families and communities can contribute to their own development in culturally informed ways. Recognition of the value of Aboriginal and Torres Strait Islander cultures assists in the achievement of a just, inclusive and socially cohesive society.

The Culture and Capability Program focuses on developing skills, knowledge and competencies of Aboriginal and Torres Strait Islander people, including supporting effective leadership and governance within Aboriginal and Torres Strait Islander communities and organisations. Improving capability can contribute to the development and maintenance of effective partnerships with Aboriginal and Torres Strait Islander people, organisations and communities.

Strengthening the capability of Aboriginal and Torres Strait Islander organisations also plays an important role in building social capital of Aboriginal and Torres Strait Islander communities. Capable Aboriginal and Torres Strait Islander organisations with strong leadership that are connected to their communities can facilitate delivery of high quality services and community development initiatives to Aboriginal and Torres Strait Islander people.

Strengthening Aboriginal and Torres Strait Islander culture and capability underpins the Government's new engagement with Aboriginal and Torres Strait Islander people; an engagement through which the Government and its workforce are better able to work in partnership with Aboriginal and Torres Strait Islander people to understand and develop tailored responses to the aspirations and priorities of communities.

Program outcomes

The desired outcomes of the Culture and Capability Program are to:

- contribute to the strengthening of Aboriginal and Torres Strait Islander cultural expression and re-vitalisation, including recognition of Australia's shared history and valuable Aboriginal and Torres Strait Islander heritage
- support activities that increase the participation of Aboriginal and Torres Strait Islander people in Australian society through improved individual, community and organisational capability and leadership
- promote the unique place Aboriginal and Torres Strait Islander people and their cultures have in Australian society.

Activities that contribute to Program outcomes

1. Indigenous cultural expression and conservation

Indigenous cultural activities support Aboriginal and Torres Strait Islander people to express and engage with their culture; identify, conserve or promote heritage places and practices of significance; and strengthen culture by sharing cultural knowledge with younger generations and the broader community.

Activities should support Aboriginal and Torres Strait Islander people's aspirations to reconnect with culture and country, practice cultural traditions and maintain heritage places. Aboriginal and Torres Strait Islander heritage places may include landscapes, sites and areas that are particularly important to Indigenous Australians as part of their customary law, developing traditions, history or current practices.

Activities may include:

- The engagement of young Aboriginal and Torres Strait Islander people and future generations in the practice and expression of culture.
- Sharing cultural knowledge and history across generations and with non-Aboriginal and Torres Strait Islander people. Preservation and protection of cultural heritage, not including sites management.
- Identification, conservation and promotion of Aboriginal and Torres Strait Islander heritage places.

Out-of-Scope activities include:

Activities that fall within the scope of the Ministry for the Arts (See the [Office for the Arts](#) website), including:

- Indigenous Art Centres operational and capital works funding the [Indigenous Visual Arts Industry Support](#) (IVAIS) program provides modest core operational funding to Art Centres.
- Indigenous Language Centres, operational and capital works, projects with an arts outcome
- Indigenous arts worker wages
- Indigenous repatriation
- regional touring exhibitions
- production and presentation of arts activities at regional and remote festivals
- arts training bodies.

Activities that fall within the scope of the Australia Council for the Arts' Aboriginal and Torres Strait Islander Board, see the [Australia Council's website](#), for example:

- music, dance, theatre, multi-art form, emerging and experimental works, literature, visual arts, community arts and cultural development projects.

Activities that fall within the scope of [Screen Australia](#), and state or territory based screen agencies, for example:

- film or other screen based works.
- bilingual education, curriculum resources and other activities that are the core business of schools.
- attendance at, or organisation of, sorry business/funerals.

2. Increased participation in society through improved capability and leadership

Capacity building and leadership activities strengthen the capability of Aboriginal and Torres Strait Islander people to work together to address each community's needs, arrive at an agreed vision for their own community, determine priorities, and articulate and negotiate these with government and service providers.

Capability building activities should contribute to strengthening the capacity and capability of Indigenous Australians so:

- they are better able to contribute to decisions on matters that affect them
- communities are better placed to lead reforms on matters that affect them
- organisations are better placed to deliver funded services to the required standard.

Developing the leadership skills of Aboriginal and Torres Strait Islander people will contribute to strengthening the governance and capabilities of Aboriginal and Torres Strait Islander people as leaders and organisations. This includes strengthening personal leadership, so that people are better equipped to make sound decisions about their own futures, and about matters that impact on their families.

Activities may include:

- strengthening the capability and leadership of Aboriginal and Torres Strait Islander individuals and supportive community systems, such as those underpinning making decisions, building productive networks and handling conflict
- addressing barriers to development and participation at the individual and community levels, including supporting access to healing, cultural re-engagement and life skills activities
- supporting community building and cohesion initiatives that empower Aboriginal and Torres Strait Islander people to demonstrate leadership in reforms that contribute to safer, more functional families and communities
- improving the capability and governance of Aboriginal and Torres Strait Islander people so they can more effectively deliver services to Aboriginal and Torres Strait Islander people and communities
- Aboriginal and Torres Strait Islander language interpreter services, including training and development for interpreters
- initiatives aimed at overcoming trauma-induced community dysfunction.

Out-of-Scope activities include:

- Activities unable to demonstrate the need and support of Aboriginal and Torres Strait Islander people.

- Activities that do not have clearly defined deliverables that lead to long-term sustained benefits and outcomes.
- Activities not tailored to local circumstances, that cannot demonstrate active participation and agreement of the target group, or that do not address the specific issues in a community or organisation.

3. Promote the unique place of Aboriginal and Torres Strait Islander cultures in Australian society

The Culture and Capability Program aims to increase levels of understanding and respect for Aboriginal and Torres Strait Islander people and their cultures. Activities should highlight the enduring contributions of Aboriginal and Torres Strait Islander people and cultures to the life of the nation, and raise public awareness about the recognition of Aboriginal and Torres Strait Islander people in the Commonwealth Constitution.

Activities may include:

- promoting understanding of the importance of Aboriginal and Torres Strait Islander heritage and the unique place of Aboriginal and Torres Strait Islander cultures in Australian society
- promoting unity by rectifying misunderstandings of the past and highlighting the contributions made by Aboriginal and Torres Strait Islander people to Australian society, past and present
- recognising significant events or people in Aboriginal and Torres Strait Islander history
- promoting recognition of Aboriginal and Torres Strait Islander people in the Commonwealth Constitution.

Out-of-Scope activities include:

- Activities falling within the scope of Reconciliation Australia, for example, the development or implementation of Reconciliation Action Plans.
- The development and delivery of Cultural Appreciation Programs.
- Welcome to Country services or ceremonies.
- Activities not supported by the Aboriginal and Torres Strait Islander community or organisations where the activity or service is to be run.

Appendix B: Incorporation requirements

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

- incorporate under Commonwealth legislation – Indigenous organisations will be required to incorporate under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and other organisations will be required to incorporate under the Corporations Act 2001 (Cth); and
- maintain these arrangements while they continue to receive any IAS funding.

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

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

Indigenous organisations already incorporated under the *Corporations Act 2001* do not have to change their incorporation status. However, all other Indigenous organisations in scope of this policy must incorporate under the CATSI Act so they can access the assistance and support available under the Act.

Organisations will need to comply with this requirement as part of their grant agreement. Non-compliance will constitute a breach and may result in the termination of the grant agreement.

Organisations will have a six-month transition period to comply with the incorporation requirement from the execution of the Grant Agreement or variation of an existing grant agreement. At the Commonwealth's discretion extended transition periods may be granted to organisations if the organisation has applied for an extension in writing and can provide evidence that they have made reasonable attempts during the six month period to transition, but are unable to meet this requirement in that time.

Organisations may apply for an exemption from the requirement to incorporate under the Strengthening Organisational Governance policy. Applications for exemption must be submitted using the process outlined by NIAA. Details about the exemptions policy and the Application for Exemption form can be found on the [NIAA's website](#).

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

1. That grant funding received from the Indigenous Affairs Group within NIAA is a small portion of its total revenue, and as such changing incorporation status may unfairly impose additional requirements on its operations and business model.
2. It is required to incorporate under specific non-Commonwealth legislation as part of its licensing arrangements or funding received through other sources.

Applications for exemption will be considered on a case-by-case basis, and will take into consideration information demonstrating that the organisation is well-governed, high-performing and low risk.

Applications for exemption from the requirements should be lodged through the Agreement Manager in the NIAA Regional Office. Applications should be lodged within the transition period, as soon as practicable once an offer of funding has been made. Organisations will be expected to comply with the requirements within the transition period should an exemption not be granted.

Support for Indigenous organisations transferring to the CATSI Act is available through the [Office of the Registrar of Indigenous Corporations \(ORIC\)](#). This includes assistance in developing a rulebook, guidance on the process to transfer incorporation, and access to pro bono legal assistance through the [LawHelp](#) service.

Organisations required to transfer their incorporation from state and territory legislation to either the CATSI Act or the *Corporations Act 2001* may incur some additional, one-off costs for independent legal advice and accountancy services to support the transfer of incorporation. To assist those organisations required to transfer their incorporation status, NIAA will provide a one-off \$10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred (refer section 4.3).

Please refer to the [NIAA website](#) for further information.

Appendix C: Application checklist

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

	The proposal has been discussed with the Aboriginal and Torres Strait Islander groups who will be involved in the project and with other groups with an interest in the project.
	The proposal has been discussed with the local NIAA Regional Office, or National Office where relevant.
	Any issues raised by NIAA about the proposal have been considered and addressed.
	Eligibility requirements set out in the NAIDOC Local Grants Program guidelines are met
	This document has been read and understood.
	IAS objectives and outcomes are understood and the proposed activity(s) contributes to the outcomes of the IAS.
	The assessment criteria are understood and met.
	The draft grant agreement has been read. When an application is submitted applicants must confirm that, if their application is successful, they will accept the terms of the grant agreement. If you are not able to accept the terms of the agreement, you should discuss this with the local NIAA Regional Office before completing the application form.
	If the applicant has a current NIAA grant agreement, have the Organisation ID ready. The Organisation ID can be found on the grant agreement.

Completing the application form

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

Consortia applicants:

	Ensure the nominated lead organisation (the applicant) is a legal entity capable of entering into a grant agreement with the Commonwealth.
	Attach a letter of support from each consortia organisation (consolidated into one document). Ensure that each letter of support includes the information required as set out in section 7.1 of these guidelines.