



## Australian Government

### National Indigenous Australians Agency

# Prescribed Bodies Corporate (PBC) Capacity Building Grant Opportunity Guidelines

<b>Opening date:</b>	This grant opportunity will open on <b>1 September 2021</b> <b>These Guidelines will apply to grants processes.</b>
<b>Closing date and time:</b>	This grant opportunity is open until 30 June 2025. Note: The National Indigenous Australians Agency (the <b>NIAA</b> or <b>the Agency</b> ) may amend the closing date and time at its own discretion by issuing a notice through the <a href="#">GrantConnect</a> website.
<b>Commonwealth policy entity:</b>	NIAA
<b>Enquiries:</b>	If you have any general enquiries refer to your <a href="#">NIAA Regional Office</a> (listed at <a href="https://www.niaa.gov.au/contact-us/regional-network-addresses">https://www.niaa.gov.au/contact-us/regional-network-addresses</a> ) or if applicable contact National Office (refer to <a href="https://www.niaa.gov.au/who-we-are/contact-us">https://www.niaa.gov.au/who-we-are/contact-us</a> ).
<b>Date Guidelines released:</b>	<b>1 September 2021</b>
<b>Type of grant opportunity:</b>	Open non-competitive
	<div style="border: 1px solid black; padding: 5px;"><p>Note: Other grant opportunities under the (IAS or within the NIAA) will be advertised separately on <a href="#">GrantConnect</a> at <a href="http://www.grants.gov.au">www.grants.gov.au</a> and may have different requirements to those listed in this document.</p></div>

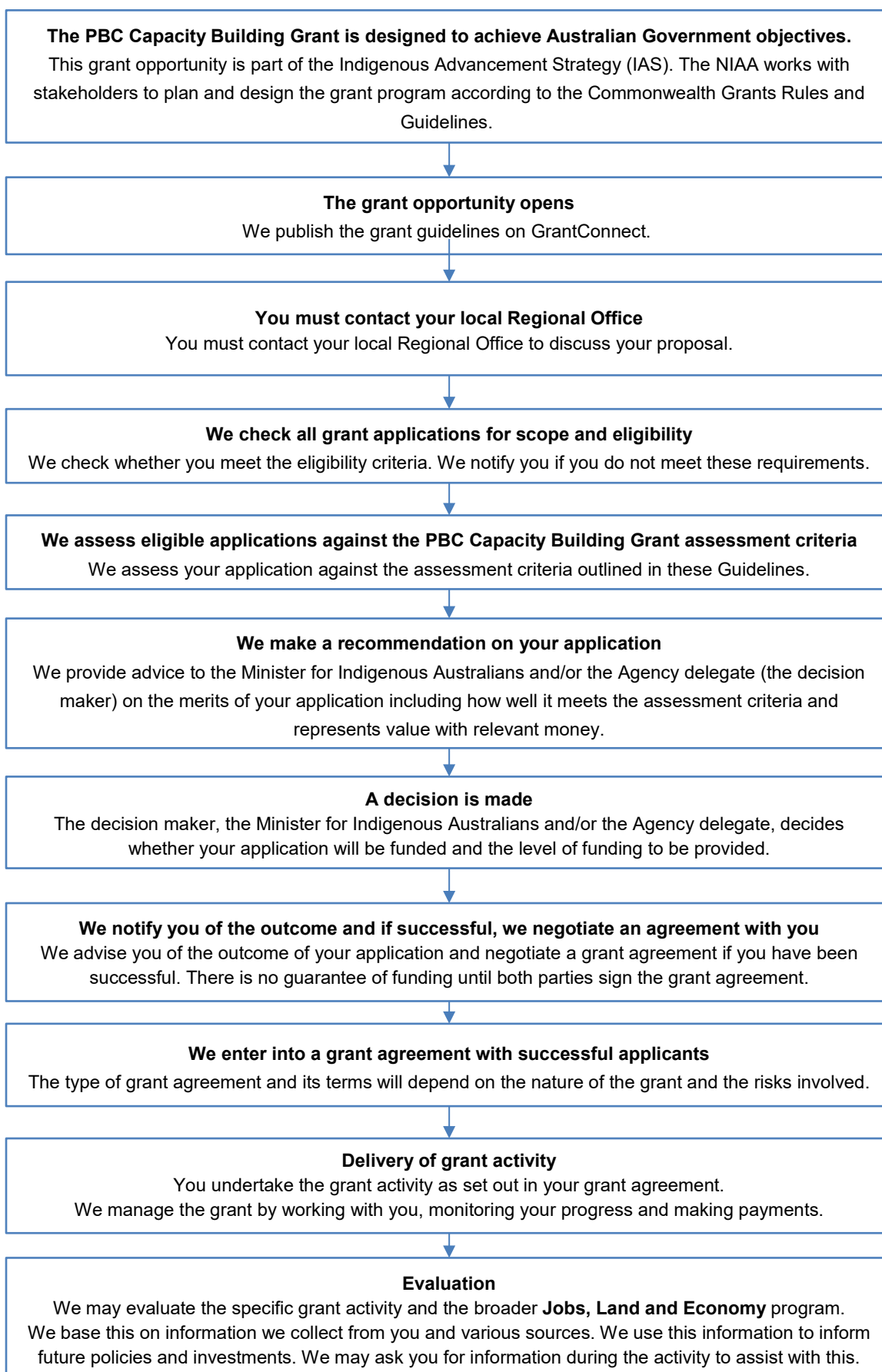
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# 1 PBC Capacity Building Grant process



## 1.1 About these Guidelines

These guidelines contain information for the PBC Capacity Building Grant, 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; and
- responsibilities and expectations in relation to the opportunity.

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

Any alterations and addenda<sup>1</sup> to these Guidelines will be published on GrantConnect.

## 1.2 Other grant opportunities in the Agency

Other grant opportunities within the Agency will have their own guidelines separate to these Guidelines and may have different requirements to those listed in this document. These opportunities and any applicable guidelines will be advertised separately on [GrantConnect](#) and on the NIAA website. **PBCs may apply for any IAS grants where they meet eligibility requirements.**

## 1.3 About the Indigenous Advancement Strategy (IAS)

The IAS is one way the Australian Government funds and delivers programs for Indigenous Australians. There are a number of grant opportunities under the IAS, including the grants process outlined in these Guidelines.

The IAS contributes to the Agency's Outcome 1: *Indigenous – Improve results for Indigenous Australians, including in relation to school attendance, employment and community safety, through delivering services and programs, and through measures that recognise the special place that Indigenous people hold in this Nation.*

IAS grants focus on Closing the Gap (CtG) between Indigenous and non-Indigenous Australians by providing funding for activities that address areas of need for Indigenous Australians that align with CtG targets.

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

- Aligning investment with [Closing the Gap targets and outcomes](#).
- Ensuring Indigenous Australians are actively involved in the development, delivery and evaluation of local and regional solutions, including deciding how they will be involved.
- Drawing on the strengths of Indigenous Australians and communities, and building capacity in Indigenous organisations and businesses.

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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 (Q&A) documents and Frequently Asked Questions (FAQ) documents.

- Increasing the number of Indigenous organisations delivering grants for the benefit of Indigenous Australians, where this is supported by value with money, and/or engaging organisations who are committed to improving Indigenous outcomes.
- Using evidence and innovation to develop solutions or improve existing approaches.
- Building an effective evidence base to ensure funding delivered through the IAS improves the lives of Indigenous Australians and communities.
- Fostering engagement between government, Indigenous organisations, Indigenous Australians and communities, and other stakeholders such as experts and business.

Visit this link for more information on [Closing the Gap targets and outcomes](#). For more information on the IAS visit <http://niaa.gov.au/indigenous-affairs/grants-and-funding/funding-under-ias>.

The Agency administers the IAS according to the [Commonwealth Grants Rules and Guidelines 2017 \(CGRGs\)](#)<sup>2</sup>.

The PBC Capacity Building Grant is delivered under the IAS Jobs, Land & Economy Program. Further information about the Jobs, Land & Economy Program can be found in Appendix 1: IAS Program Information.

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

## 1.4 NIAA regional presence and National Office

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

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

The NIAA Regional Offices works in partnership with Indigenous Australians, their communities and other stakeholders to develop solutions tailored to address local need. Solutions may involve the implementation of several complementary activities working together to address a particular issue or challenge.

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

The NIAA National Office, based in Canberra, provides national oversight, policy advice and program management and support to the NIAA Regional Offices in the implementation of the IAS.

## 2 About the PBC Capacity Building Grant

The objectives of the PBC Capacity Building Grant are to:

1. increase the capacity of PBCs to take advantage of economic opportunities;
2. build long-term organisational capacity within PBCs through training and obtaining professional expertise (for example, business or agribusiness consultancies, accountancy or legal services); and
3. support effective native title agreement-making.

The outcomes of the PBC Capacity Building Grant are to:

- build capacity of PBCs to maximise the social, cultural and economic aspirations of their native title-holding group; and
- build capacity of PBCs to meet corporate compliance and native title obligations, and promote greater efficiency in land use decision-making.

## 3 Grant amount and grant period

### 3.1 Grants available

The Australian Government has allocated approximately \$54 million over four financial years (2021-22 to 2024-25) to the PBC Capacity Building measure for grant funding. This includes \$7.1 million to support Registered Native Title Body Corporate's update their rulebooks to implement the reforms from the *Native Title Legislation Amendment Act 2021*.



Amounts from 2021-22 to 2024-25 are:

2021-22	2022-23	2023-24	2024-25	Total
12.36	12.36	14.79	14.45	53.96

There is no minimum amount of grant funding, with most grants anticipated to be between \$50,000-\$750,000, depending on the scope of the grant activity and its complexity.

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

The Agency will consider value with relevant money and availability of funds to meet priorities in offering a grant. Information on previous grants awarded is available on the [GrantConnect](#) website.

Applicants can apply for funding for activities for up to 36 months (three years).

Successful applicants will need to enter into a grant agreement with the Agency. The terms and conditions of your grant agreement, including payment frequency and reporting requirements, will be proportionate to the level of risk associated with the activity and the nature of the activity being delivered. For further details on risk refer to [section 12 'Risk and compliance'](#) in these Guidelines.

## 4 Eligibility criteria

The Agency cannot consider applications that do not satisfy all the eligibility criteria.

Community groups that are not eligible to apply for funding are encouraged to consider partnering with an eligible organisation.<sup>3</sup>

### 4.1 Who is eligible for funding?

To be eligible to apply for funding under the PBC Capacity Building grant opportunity you<sup>4</sup> **must**:

- be a Registered Native Title Body Corporate (**RNTBC**), registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (the **CATSI Act**);
- be a Prescribed Body Corporate (**PBC**), that is registered under the CATSI Act;
- be a joint (consortia) application (see [section '7.3. Joint Applications'](#));
- be a recognised Native Title Representative Body/Service Provider (**NTRB/SP**);
- be a relevant peak body working with PBCs and in the native title sector;
- be a Traditional Owner Corporation (**TOC**), incorporated for the purposes of representing Traditional Owners recognised under the *Traditional Owner Settlement Act 2010* (Victoria);
- be a Traditional Owner Group Entity (**TOGE**) established for the purposes of representing traditional owners under an alternative native title settlement agreement; or
- be a third party such as a law firm or interest group who has written authorisation (board resolution or letter from the CEO) of one or more PBCs/RNTBCs intended to benefit from the grant.

AND

- have an Australian Business Number (ABN) (exemptions may apply in special cases);

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<sup>3</sup> The Agency recognises that some organisations may seek to form a joint (consortia) application in order to apply for a grant under these guidelines. Consortia are eligible to apply and the relevant conditions applicable to consortia are at section 7.3 'Joint Applications'

<sup>4</sup> Or your lead agency in the case of a consortia application.

- where relevant, be registered for the purposes of GST;
- if an individual, be a permanent resident of Australia; and
- have an account with an Australian financial institution.

AND be one of the following entity types:

- an Aboriginal and/or Torres Strait Islander Corporation registered under the CATSI Act;
- a company incorporated in Australia under the *Corporations Act 2001* (Cth) (the **Corporations Act**);
- an incorporated association (incorporated under state/territory legislation, commonly have 'Association' or 'Incorporated' or 'Inc' in their legal name);
- an incorporated cooperative (also incorporated under state/territory legislation, commonly have 'Cooperative' in their legal name);
- an organisation established through a specific piece of Commonwealth or state/territory legislation including public benevolent institutions, churches and universities;
- an Australian state or territory government body;
- an Australian local government body;
- an incorporated trustee on behalf of a trust<sup>5</sup>;
- a partnership; or
- an individual with an ABN.

The Agency will not accept your application unless you:

- have contacted and consulted with the NIAA Regional Office in your area;
- have rectified any issues of previous non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth, or be in the process of rectifying any issues of non-compliance with existing Commonwealth agreements to the satisfaction of the Commonwealth; and
- are financially viable to the Agency's satisfaction. The application form has questions about financial viability. The Agency may undertake its own enquiries in relation to the applicant's financial viability.

## 4.2 Incorporation requirements

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

- incorporate under Commonwealth legislation – Indigenous Organisations will be required to incorporate under the CATSI Act and other organisations will be required to incorporate under the Corporations Act; and
- maintain these arrangements while they continue to receive any 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.

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<sup>5</sup> A trust itself is not a legal entity and cannot enter into a grant agreement.

For further information on incorporation requirements please refer to Appendix 2: Incorporation Requirements.

### 4.3 Who is not eligible to apply for a grant?

You are not eligible to apply for grant funding under the PBC Capacity Building Grant if you are:

- an organisation, or your project partner is an organisation, included on the [National Redress Scheme's](#) website on the list of 'Institutions that have not joined or signified their intent to join the Scheme
- a non-corporate Commonwealth entity;
- not one of the mandatory entity types listed in section 4.1; an unincorporated association;
- subject to the NIAA's sole discretion, an overseas resident;
- declared bankrupt or subject to insolvency proceedings – as relevant to the entity type;
- disqualified from managing a corporation under the CATSI Act or the Corporations Act; and/or
- named as currently non-compliant under the *Workplace Gender Equality Act 2012*.

### 4.4 What qualifications and licencing are required?

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

- Working with Children checks;
- Working with Vulnerable People registration;
- Industry licenses or registration;, or
- Australian Skills Quality Authority accreditation.

## 5 What the grant money can be used for

### 5.1 Eligible grant activities

To be eligible for this funding your proposed activity must meet one or more of the objectives in the Table 1 below.

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 to the NIAA that you have a COVID-19 Risk Management Plan in place.

**Table 1. Objectives, outcomes and examples activities**

Objectives	Outcomes	Example activities that may be funded
<p>Increase the capacity of Prescribed Bodies Corporate (PBCs), Traditional Owner Corporations (TOCs) and Traditional Owner Group Entities (TOGEs) to take advantage of economic opportunities and realise the benefits from rights and interests arising from native title determinations or alternative settlement agreements.<sup>6</sup></p>	<p>PBCs, TOCs and TOGEs are better able to:</p> <ul style="list-style-type: none"> <li>▪ maximise the social, cultural and economic aspirations of their native title-holding group; and</li> <li>▪ meet corporate and native title obligations, leading to more efficient land use decision-making.</li> </ul>	<p>Support to pursue economic and business development opportunities linked to native title or alternative settlement agreements including:</p> <ul style="list-style-type: none"> <li>▪ obtaining financial, business planning or other professional services which support economic development and business opportunities;</li> <li>▪ community economic planning, and development of frameworks to map and identify areas of development potential;</li> <li>▪ office establishment;</li> <li>▪ information technology equipment and services e.g. web design, communications; and</li> <li>▪ obtaining equipment to support business functions and opportunities.</li> </ul>
<p>Support to build long-term organisational capacity within Prescribed Bodies Corporate (PBCs), Traditional Owner Corporations (TOCs) and Traditional Owner Group Entities (TOGEs) so they can effectively:</p> <ul style="list-style-type: none"> <li>▪ make decisions and manage their land and water rights and interests;</li> <li>▪ manage benefits;</li> <li>▪ speak for country.<sup>6</sup></li> </ul>	<p>PBCs, TOCs and TOGEs are better able to:</p> <ul style="list-style-type: none"> <li>▪ maximise the social, cultural and economic aspirations of their native title or traditional owner group; and</li> <li>▪ meet corporate and native title or other obligations, leading to more efficient land use decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Review and change corporate rule books or develop operational policy to ensure regulatory compliance with the PBC regulations and the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth) (CATSI Act)</i> and other applicable laws such as the <i>Traditional Owner Settlement Act 2010 (Vic)</i>. For example: <ul style="list-style-type: none"> <li>○ decision making including ‘native title decisions’;</li> <li>○ dispute management and resolution, including of membership disputes;</li> <li>○ more effective reporting to members;</li> </ul> </li> <li>▪ develop internal business systems (governance, financial management, administrative systems, ICT);</li> <li>▪ obtain professional services needed to support organisational governance eg legal, accounting, training; and</li> <li>▪ develop operational models that support individual PBCs, TOCs, or TOGEs to form regional groupings that increase local and regional capacity, enable targeted organisational support, capitalises on economic opportunities or lifts the profile of PBCs, ToCs, and TOGEs within a region.</li> </ul>
<p>Support effective native title or traditional owner agreement-making, including compensation agreements.</p>	<p>PBCs, TOCs and TOGEs are better able to:</p> <ul style="list-style-type: none"> <li>▪ maximise the social, cultural and economic aspirations of their</li> </ul>	<p>Support to negotiate and enter agreements, including:</p> <ul style="list-style-type: none"> <li>▪ negotiation of financial, training, employment, business and other outcomes from agreements;</li> <li>▪ transparent benefits management structuring or re-structuring and establishment of subsidiary enterprises;</li> </ul>

<sup>6</sup> The majority of this funding will provide direct funding to individual PBCs or a group of PBCs to take advantage of economic opportunities, with the aim of supporting PBCs to move beyond basic corporate compliance towards active and independent engagement with local or regional economic opportunities.

Objectives	Outcomes	Example activities that may be funded
	<p>native title or traditional owner group; and</p> <ul style="list-style-type: none"> <li>▪ meet corporate and native title or other obligations, leading to more efficient land use decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>▪ financial and business planning support staff;</li> <li>▪ other professional services as required;</li> <li>▪ mentoring, coaching or training for key staff;</li> <li>▪ utilities and office space;</li> <li>▪ developing implementation plans for agreements; and,</li> <li>▪ support for PBCs to work together on a regional basis for the purpose of agreement-making.</li> </ul>

## 5.2 Eligible locations

Your grant activity must be delivered in Australia, unless the Agency, in its sole discretion, grants an exemption for an activity that occurs overseas but meets an objective outlined in Appendix 1 and contributes to an outcome in Australia.

## 5.3 Eligible expenditure

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

For guidance on eligible expenditure, see section 5.1.

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 or project/services).

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

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

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

## 5.4 What the grant money cannot be used for

Grant funding cannot be used for a purpose that does not directly contribute to the outcomes of the activity, so cannot generally be used for items such as payment of fines or loans, purchase of gifts, personal debts, or sitting fees. You cannot use the grant for:

- retrospective funding, for costs incurred prior to be awarded the grant;
- activities that do not clearly align to the identified outcomes and objectives of the PBC Capacity Building Grant;
- purposes that do not directly contribute to the outcomes of the activity, typically including (but not limited to) payment of fines or loans, purchase of gifts, personal debts, or sitting fees;
- costs incurred in the preparation of a grant application or related documentation unless specifically agreed with the Agency;
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility;
- expenses for which other Commonwealth, state, territory or local government bodies have primary responsibility to provide the source of funding, unless otherwise specifically agreed with the Agency; and,
- funding native title litigation including native title claims or claims for compensation for extinguishment of native title rights and interests.

Further detail of activities that are out of scope for funding is included at Appendix 1.

## 6 The assessment criteria

You must address all of the following assessment criteria in your application. The Agency will assess your application against the criteria, and may also consider your previous performance (if applicable), demonstrated capability to deliver the activity, and/or information which has been made available to the Agency during the development of the application.

All criterion have equal weighting under these Guidelines.

The amount of detail and supporting evidence you provide in your application should be relative to the size, complexity and grant amount requested. The documentation specified at **section 8 'Supporting Documentation'** is mandatory. The application form includes word limits.

### Criterion 1: Need and community involvement

You should demonstrate this by identifying how the proposed activity:

- is needed by the target community/ies or group/s you are proposing to service, including PBCs, RNTBCs (and non-member common law native title holders) or TOCs and TOGEs;
- will support improved outcomes in the target Indigenous community/ies or group/s, including target PBCs, RNTBCs (and non-member common law native title holders) or TOCs and TOGEs; and
- aligns with any community or regional plan that may be in place, including regional priorities identified by community leadership groups (such as in Empowered Communities – refer to **section 19 'Glossary'**), where relevant.

#### AND

That the target community/ies or group/s, including the target PBCs, RNTBCs (and non-member common law native title holders) or TOCs and TOGEs:

- supports the proposed activity;
- has participated in the planning and design of the proposed activity; and
- will be involved in delivery of the proposed activity.

### Criterion 2: Cultural competence

You should demonstrate this by explaining your:

- understanding of the service delivery area/s and how your organisation is accepted by the target community/ies or groups;
- capacity to deliver quality, culturally competent services for the target community/ies or groups; and
- commitment to:
  - provide Indigenous employment opportunities; and
  - use Indigenous organisations in your supply chain.

### Criterion 3: Capability

You should demonstrate this by describing how:

- your resources and capability will support you to deliver high quality activities;
- you have delivered this or a similar activity to a high standard;
- the risks associated with the proposed activity, including work health and safety risks, will be managed; and
- you will measure the performance of the proposed activity.

## Criterion 4: Delivering Outcomes

You should demonstrate this by:

- providing evidence that the proposed activity can deliver the intended outcomes for PBCs, RNTBCs (and non-member common law native title holders) or TOCs and TOGEs;
- and how you will measure its effectiveness;
- describing how outcomes of the proposed activity can be sustained into the future, including how you will maximise the contribution of Indigenous Australians and communities and develop capacity in Indigenous organisations and businesses;
- describing how the proposed activity will complement other activities or services within the targeted PBCs or RNTBCs, and will not duplicate any service/s or support provided a PBC or RNTBCs by the relevant Native Title Representative Body or Service Provider; and
- describing how your organisation learns from experience and feedback, and how you can adapt the activity to improve outcomes.

## 7 How to apply

You will be required to complete an application form. It is important to note that any discussion with the Agency about a grant activity or the lodgement of an application form **does not guarantee that your activity will be funded**. All applications will be assessed according to the assessment process undertaken by the Agency as outlined in these Guidelines and the final decision is made by the Minister for Indigenous Australians or the Agency delegate.

The process is non-competitive, which means your application will be considered on its merits and priorities for the Agency and will not be compared to other applications.

### 7.1 Application Steps

#### **Step 1: Ensure that your proposed activity aligns with one or more of the three objectives of the PBC Capacity Building Grant**

Refer to these Guidelines to ensure that your proposed activity addresses one or more the objectives of the PBC Capacity Building Grant. (Refer to **sections 2** and **5.1**).

We will screen your proposed activity against these Guidelines and funds availability, with consideration of government priorities.

#### **Step 2: Ensure you meet all eligibility criteria**

Refer to **section 4** 'Eligibility criteria' for further information around eligibility under PBC Capacity Building Grant.

#### **Step 3: Discuss your proposed activity with your local NIAA Regional Office**

You must discuss the details of your proposed activity with the local NIAA Regional Office, before lodging an application. Contact the Regional Office in your area, details found at [Regional Network Addresses](#).

#### **Step 4: Complete the application form ensuring you have addressed all assessment criteria**

To apply for funding under the PBC Capacity Building Grant you will be asked to:

- discuss your proposed activity with the NIAA Regional Office;
- complete the application form, including addressing all eligibility and assessment criteria;
- provide all the information requested, including any attachments;
- use the checklist at Appendix 3 to ensure your application is complete; and
- submit your application online by the closing date.



You will receive an electronic Application ID Number once your application has been lodged.

## 7.2 Timing of grant opportunity

You can submit an application at any time over the duration of the grant opportunity. The Agency aims to notify you of the outcome of your application within 90 days from submission.

## 7.3 Joint (consortia) applications

Organisations may want to join as a group to deliver a grant activity. For joint (consortia) applications, you must appoint a 'lead organisation' to submit the application and to enter into a grant agreement with the Commonwealth if the application is successful.

You must have a formal arrangement in place with all parties. All parties will be required to act in accordance with the grant agreement.

If you are applying in a consortium, you will need to provide additional information and documentation (see **section 'Error! Reference source not found. Consortia applicants'**).

A group of eligible applicants may make a single application for funding. If an applicant submits an application acting as the lead applicant on behalf of a group of eligible applicants (a 'consortium arrangement'), the application must include a letter of support from each participating eligible applicant (apart from the lead applicant) involved in the project. Each letter of support must include:

- the role of the organisation and an overview of how the organisation will work with the lead organisation and any other consortia participating organisation(s) to support the successful completion of the project;
- an outline of the relevant experience and/or expertise the participating organisation will bring to the consortia; and
- the roles and responsibilities the organisation will undertake, and the resources it will contribute (if any).

## 7.4 Trust Applications

For applications made on behalf of a Trust, the application must be made in the name of the Trustee as listed in the Trust Deed.

The applicant must be prepared to provide a copy of the Trust Deed as in force at the time the application is made if requested.

For example, if ABCD Trust has a Trustee listed in the Trust Deed as 1234 Pty Ltd, then the application must be made in the name of 1234 Pty Ltd as trustee for ABCD Trust.

# 8 Supporting documentation

We require the following documents with your application:

**All applicants:**

- where the applicant is a PBC, RNTBC, TOGE or TOC, evidence of this status;
- a copy of the applicant's most recent audited financial statement, income and expenditure statements or banking records that show income and expenditure and current bank balance;
- a copy of the applicant's Certificate of Incorporation, where relevant;
- a letter certifying the applicant has the support of its board or Governing Committee to lodge the submission on behalf of the organisation; or, where the applicant is applying to receive the grant on behalf of one or more PBCs, RNTBCs, TOCs or TOGEs, supporting letters from the boards' of Governing Committees of those corporations; and

- where an applicant is not able to quote an ABN, a copy of a completed 'Statement by a supplier' form will be required. The form can be found at [www.ato.gov.au](http://www.ato.gov.au)

In addition, we also require the following documents with your application: Refer to the checklist at [Appendix 3: Application checklist](#) to ensure you have attached all necessary information.

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

- Evidence of bank account details, such as a copy of a current bank statement.
- Itemised indicative budget that is (GST exclusive)—the budget should include:
  - A breakdown of costs and funding for each financial year in which the proposed activity will operate.
  - Total funding being requested.
  - Details of funding from other sources that will contribute to the costs of the activity outlined in the application, this should include confirmation of whether the funding is approved.
  - Details of any applications for funding that are currently awaiting a decision and include the nature of the support for example, funding contribution, in kind support, resources and expertise.
- List of key personnel of the organisation—include Director/s, Chief Executive Officer, Finance Compliance Officer, and the Accountant or Auditor of the organisation.
- Evidence of your organisation's Indigeneity:
  - If you indicate that your organisation is Indigenous owned and/or controlled you may be required to provide additional information or to complete a declaration (particularly if you are **not** Registered or Certified on Supply Nation or incorporated under the CATSI Act).
  - Note: Supply Nation Registration is based on 50% ownership. If you are actually 51% owned and controlled, you will need to complete a declaration to be identified in that category for NIAA funding (unless you are also incorporated under the CATSI Act).
- If you are a non-government applicant who does not have a current grant agreement with the NIAA or formerly the Department of the Prime Minister and Cabinet (PM&C), you will be required to provide the following documentation with your application:
  - a copy of your most recent financial statements such as an audited financial statement (audited expenditure report), income and expenditure statement, or a balance sheet;
  - a copy of your Certificate of Incorporation where relevant (Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement); and
  - a copy of a completed ATO '[Statement by a supplier \(reason for not quoting an ABN to an enterprise\)](#)' form if you are not able to quote an ABN.
- If you are submitting an application on behalf of a consortium, you must provide a letter of support from each of the consortia partners. The application must identify all other members of the proposed group and include a letter of support from each of the partners. Each letter of support should include:
  - details of the partner organisation (including the percentages of Indigenous ownership, control and/or management);
  - an overview of how each partner organisation will work with the lead organisation and any other partner organisations in the group to successfully complete the grant activity;

- an outline of the relevant experience and/or expertise each partner organisation will bring to the group;
- the roles/responsibilities of each partner organisation and the resources they will contribute, if any; and
- details of a nominated management level contact officer at each partner organisation.

Refer to **section 7.3 'joint applications'** of this document for information about consortia.

## 8.1 Completing the application form

You must complete an application form. The Agency may request information from you to be able to undertake an assessment against the assessment criteria. However, you will be asked to read the form and sign the declaration form to verify the information, confirm understanding and acknowledgement of the terms and conditions.

### 8.1.1 Before lodging an application

Before lodging an application or signing a grant agreement, you must read and understand these Guidelines.

You should also read and understand the application form if applicable and the sample grant agreement. These documents can be found at [GrantConnect](#).

### 8.1.2 False or misleading information

You are responsible for ensuring that your application is complete and accurate. Giving false or misleading information is a serious offence under the s137.1 of the *Criminal Code Act 1995* (Cth). We will investigate any false or misleading information and may exclude your application from further consideration.

### 8.1.3 Size limit for application

The size limit for each application is 10MB. There is also a 2MB size limit for each attachment. The Agency's information technology system is not capable of receiving applications that exceed 10MB and any applications above this limit will not be received.

### 8.1.4 Declaration in application form

In the application form you are asked to declare you understand and agree the information you have provided is true and correct and that you have read, understood and agreed 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 4.4**.

### 8.1.5 Submitting your application

You must submit your application form online. You will receive an electronic application ID number once your application has been lodged with the Agency. You should keep a copy of your application, application ID number and any supporting documents.

If you find an error in your application after submitting it, you should immediately notify your NIAA Regional Office. The Agency does not have to accept any additional information, nor requests from applicants to correct an application after it has been received by the Agency.

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. The Agency can refuse to

accept any additional information from you that would change your application after it has been received by the Agency.

### **8.1.6 Guidance about application process**

If you need further guidance about the application process or if you are unable to submit an application online please contact your [NIAA Regional Office](#).

## **8.2 Questions during the application process**

If you have any questions during the application period please contact your NIAA Regional Office. The Agency will endeavour to respond to emailed questions within three working days. Answers to questions may also be posted on [GrantConnect](#).

## **8.3 Legal and financial advice**

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

## **8.4 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.

## **8.5 Disability**

Where possible and relevant, the proposed activity should take into account the needs of Indigenous Australians and others with disabilities including how the proposed activity supports one or more of the six policy outcome areas outlined in the [National Disability Strategy 2010-2020](#).

## **8.6 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.

# **9 The grant selection process**

## **9.1 Assessment of grant applications**

If your application or proposed activity is not consistent with the objectives of the PBC Capacity Building Grant, as listed in these Guidelines, or you do not meet the eligibility criteria, we will not assess your application or proposed activity and will notify you if this is the case.

You may be asked to provide further information; your application may not be able to be processed while this information is outstanding, so applicants are encouraged to provide any requested documents as soon as possible.

The Agency assesses all applications against the assessment criteria and considers value with relevant money. Key considerations in determining value with relevant money include cost, the quality and purpose of the grant activity, intended outcomes, alignment with the PBC Capacity Building Grant objectives and relevant experience of the applicant.

If you are an applicant who already receives IAS funding we may also consider your previous performance (if applicable), demonstrated capability to deliver the activity, and/or using information which has been made available to the Agency during the development of the application.

### **9.1.1 The use of additional information in assessment**

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

- information from within the Agency 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;
- 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; or
- recommendations from Aboriginal and Torres Strait Islander local and regional decision-making groups and organisations (e.g. Empowered Communities and Murdi Paaki Regional Assembly).

For information on how the Agency treats personal and confidential information, please see **section 16** below.

## **9.2 Who will assess applications?**

The Agency will initially screen applications to ensure applicants meet the eligibility and basic application requirements.

Assessment panels will be established by the Agency and comprise Agency staff. Assessment Panels will have access (as required) to subject matter experts and regional staff. The number of Panel members and their seniority level will be determined by proportionality principles (for example based on the amount of funding involved, complexity, and risk).

The assessment panel will assess all applications against the assessment criteria.

Assessment panels may seek expert advice from outside of the Agency when assessing applications.

In accordance with the CGRGs, any panel member who is not a Commonwealth or state official will be subject to the same requirements as a government employee.

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

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

## **9.3 Who will approve grants?**

The Minister for Indigenous Australians or the Agency delegate, as the decision-maker, approves grants, taking into account the recommendations of the Agency and the availability of grant funds.

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

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

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

## 10 Notification of grant 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.

### 10.1 Feedback on your application

If your application is unsuccessful, you may seek feedback on your application by contacting your NIAA Regional Office.

## 11 Successful grant applications

### 11.1 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. Under the PBC Capacity Building Grant, this may be through a letter of offer or standard grant agreement, or another form of agreement specified by the Commonwealth.

The type of grant agreement and its mandatory terms and conditions will depend on the size and complexity of your grant activity(s), as well as the level of risk associated with the activity. Sample grant agreements are available on [GrantConnect](#) at [www.grants.gov.au](http://www.grants.gov.au).

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 and Working with Vulnerable People checks;
- mandatory requirements to comply with applicable work health and safety obligations including those provided under Commonwealth work health and safety legislation;
- insurance requirements including compliance with the Work Health and Safety Act 2011 (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) (the **Privacy Act**). Further information about privacy and confidentiality is also included at **section 16** of this document;
- requirements to maintain the confidentiality of any information deemed by the Commonwealth to be confidential; and/or
- record keeping requirements.

To give assurance to the Indigenous Grants Policy, your grant agreement may also contain conditions that your organisation must maintain a specified percentage of Indigenous ownership, control, management or employment and be able to provide evidence of this, on request. You may also be required to notify the Agency if you have a change in circumstances that means you no longer meet these conditions.

You will work with an Agreement Manager from the NIAA Regional Office or National Office to effectively manage the grant agreement.

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

If you receive grant funding from other Commonwealth, state or territory government granting programs for the same activity, this may limit the amount of funding you might be entitled to under the PBC Capacity Building Grant, unless otherwise specifically agreed to in writing by the Agency. You must provide information about other funding received for the Agency's consideration.

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

## **11.2 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. The Agency 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, the Agency may seek return of those funds or pursue other remedies.

## **11.3 Negotiation of funded activities**

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

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

## **11.4 Execution of the grant agreement**

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

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

## **11.5 Specific legislation, policies and industry standards**

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

## **11.6 How we pay the grant**

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

The Agency may make an initial payment on execution of the grant agreement. Subsequent payment of funding, whether quarterly, six monthly or annually, is dependent on you complying with the grant agreement requirements, including satisfactory progress against performance and financial reporting milestones. You will also be required to report how you spent the grant funds during the period of the grant activity or at the completion of the grant activity.

The funding provided by the Agency will not exceed the total funding amount set out in the funding agreement. If your expenditure exceeds the amount granted you must pay this additional expenditure yourself.



## 11.7 GST

Payments will be Goods and Services Tax (**GST**) inclusive unless you are not registered for GST or certain exceptions set out in the GST legislation apply. Subject to those exceptions, we will add GST to your grant payment and issue you with a Recipient Created Tax Invoice.

Unless otherwise indicated by the Agency, all figures quoted in grant documentation will be GST exclusive.

Grants may be assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#).<sup>7</sup> We do not provide advice on taxation matters.

## 11.8 Grant agreement variations

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

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

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

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

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

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

## 12 Risk and compliance

In managing risk and compliance, the Agency will work with you to achieve the intended outcomes of the grant activity. The risk management approach will focus management effort where risk levels are high, and supports consistent application of appropriate grant controls based on assessed risks.

The type of grant agreement and its terms and conditions will depend on the nature of the activity and the level of risk involved at both the **organisation** and **activity** levels.

- **Organisation** risk assessment. At the time a grant application is assessed, or an existing grant is considered for extension, an Organisation Risk Profile (ORP) is completed. The ORP is an evidence-based tool that assesses an organisation's governance, financial management and

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<sup>7</sup> [www.ato.gov.au/](http://www.ato.gov.au/)



service delivery capability. The ORP enables consistent and transparent assessment by Agency staff.

- **Activity** risk assessment. All IAS grant activities undergo an Activity Risk Assessment (ARA) to determine whether the grant activity risk is low, medium, high or extreme. This assessment takes into account the ORP rating, the annualised value of the grant activity and the nature of the activity. This approach enables the application of standard grant agreement requirements, controls and management approaches for low, medium, high or extreme risk grant activities, while also building in controls for any special requirements that apply, such as working with vulnerable people and work health and safety.

As a principle, higher risk activities will typically be subject to increased controls and greater oversight. The intent of this is to work with organisations to overcome risks. Conversely, low risk activities will be subject to less oversight and management, which may include a single annual payment and reduced reporting.

The Agency monitors compliance with the terms and condition of the grant agreement to ensure grant activities are delivered and grant money is expended in accordance with the terms of the agreement.

## 12.1 Non-compliance

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

## 13 Announcement of grants

Once your grant is executed, it will be listed on the [GrantConnect](#) website within 21 calendar days after the grant execution date, as required by paragraph 5.3 of the *CGRGs*.

## 14 How we monitor your grant activity

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

- on-the-ground monitoring, predominately through the NIAA Regional Offices;
- periodic provider reporting on the performance of activities;
- assessment of financial reports; and
- compliance reviews, including site visits and verification of information relating to outcome claims.

### 14.1 On-the-ground monitoring

The Agency uses an active 'on-the-ground' strategy to monitor PBC Capacity Building grantees and activities primarily through the NIAA Regional Offices. This can involve site visits, discussions with community members and service recipients, and ongoing contact with the grantees.

A priority for the Agency is active engagement to assist with early identification and treatment of activity delivery risks and other issues as they arise.

### 14.2 Key performance indicators

The Agency, in conjunction with the grant recipient, will set key performance indicators for each activity to measure progress against identified outcomes, including applicable Closing the Gap targets. The Agency may include mandatory key performance indicators to inform broader data sets, such as Indigenous employment data. These will be set out in the grant agreement. The grant

recipient will be assessed against all key performance indicators over the course of the funded activity

### **14.3 Performance reports**

You will be required to periodically report on the overall progress and performance of your activity, and against the key performance indicators in your grant agreement. The frequency and content of reporting requirements will depend on the funded activity and will be contained in the grant agreement. The Agency will also source a range of data and information to inform its judgement.

In completing performance reports, you are encouraged to be open about the status of the activity, any service delivery risks and issues, and to provide data to support any claims made. This instils confidence in your management reporting systems and allows us to better work with you to improve performance, if necessary.

The Agency may also request further information or action from you to support monitoring in line with the conditions outlined in the grant agreement.

### **14.4 Financial reports**

Financial reports are required from grantees to provide evidence that funds have been expended for the purposes provided as agreed and so that any underspend or over spend can be managed.

The annual value of the grant and the risk rating of the grantee and the activity determine the financial reporting requirements. The default financial reporting requirement is one report per year. Financial reporting requirements will be specified in the grant agreement.

### **14.5 Compliance visits and record keeping**

We may visit you or request information from you during or after the completion of your grant activity to review your compliance with the grant agreement. We may also inspect, copy, or remove and retain the records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit.

### **14.6 Keeping us informed**

You should let us know if anything is likely to affect your grant activity or organisation by contacting the Agency's contact officer listed in your grant agreement.

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 activity, carry on business or pay debts due.

You must also inform us of any of the following changes:

- name;
- addresses;
- nominated contact details;
- bank account details;
- ABN;
- GST registration or status;
- any instance where your organisation may no longer meet the definition of an Indigenous Organisation (if it initially did); and
- if your organisation has an outstanding and overdue ATO debt (at the time of application or any other time).

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

## 14.7 Record keeping

You must comply with the record keeping requirements as set out in the grant agreement.

## 14.8 Evaluation

We will evaluate the grant activity to investigate how well the outcomes and objectives have been achieved and to ensure the activity has achieved value with relevant money.

We may use information from your application and performance reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant affected you and to evaluate how effective your grant activity has been in achieving its outcomes.

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

## 14.9 Acknowledgement of funding

If you make a public statement about a grant activity funded under the program, we require you to acknowledge the grant by using the following: 'This grant activity received grant funding from the Australian Government.'

## 15 Probity

The Agency will make sure the grant opportunity process is fair, according to these Guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct, and is consistent with the CGRGs.

### 15.1 Enquiries and feedback

If you would like to make a complaint about a grant process phone (02) 6152 3050 or email the Agency use this email address: [NIAAComplaints@niaa.gov.au](mailto:NIAAComplaints@niaa.gov.au)

If you do not agree with the way the Agency has handled your complaint, you may wish to contact the Commonwealth Ombudsman. The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the Agency.

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)

### 15.2 Conflicts of interest

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

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

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

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

**The Agency will make the final decision on what is determined as an actual, potential or perceived conflict of interest.**

**If you later identify an actual conflict of interest, a perceived conflict of interest, or a potential conflict of interest, you must inform the Agency in writing immediately and provide further information to the satisfaction of the Agency.**

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

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

## 16 Privacy and confidentiality

### 16.1 Personal information

As part of your application, you declare your ability to comply with the Privacy Act and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the Agency would breach an Australian Privacy Principle as defined in the Act. We handle personal information in accordance with the Privacy Act and the Australian Privacy Principles. Personal information we collect will be used for the purposes of selecting applicants, assessing and administering grants. We may disclose personal information about grant applicants and grantees to other entities as set out further below, or where disclosure is otherwise authorised under the Privacy Act.

The [Agency's Privacy Policy](#) contains information about how you can access the personal information held by the Agency and seek correction of the information. It also explains how you can make a complaint about a breach of the Australian Privacy Principles. You can access the Privacy Policy on our website at [www.niaa.gov.au](http://www.niaa.gov.au) or email [privacy@niaa.gov.au](mailto:privacy@niaa.gov.au) for a copy of the policy.

### 16.2 Confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets all of the three conditions below:

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

### 16.3 How we use personal and confidential information

The Australian Government may use and disclose information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes giving information to the Australian Taxation Office and other government agencies for compliance purposes.

We may reveal personal and confidential information to:

- the assessment panel, which may include Agency officers, community representatives and/or subject matter experts, and other Commonwealth employees and contractors to help us manage the program effectively;
- employees and contractors of our Agency so we can research, assess, monitor and analyse our programs and activities;
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery;
- other Commonwealth, state, territory or local government agencies in program reports and consultations;
- the Auditor-General, Ombudsman or Privacy Commissioner;
- the responsible Minister or Parliamentary Secretary; and/or
- a House or a Committee of the Australian Parliament.

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

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

## 16.4 Your responsibilities

You may be required to declare your ability to comply with the Privacy Act, including where applicable the Australian Privacy Principles and impose the same privacy obligations on any subcontractors you engage to assist with the activity. You must ask for the Agency's consent in writing before disclosing personal or confidential information.

## 17 Freedom of information

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

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

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

By mail:           Freedom of Information Coordinator  
                       National Indigenous Australians Agency  
                       PO Box 6500  
                       CANBERRA ACT 2600

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

## 18 Consultation

These Guidelines draw on feedback received from previous public consultation processes and the NIAA's daily role in working with providers and Indigenous Australians and communities across Australia.

The NIAA will continue to review the Guidelines based on our experience in working with Indigenous Australians and communities, as well as the experiences of our grantees. We will also

seek advice from Indigenous Australians, communities, and other stakeholders such as representative groups.

## 19 Glossary

Term	Definition
Agency	The National Indigenous Australians Agency (also referred to as 'the <b>NIAA</b> ' or 'the <b>Agency</b> ').
Assessment criteria	The specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposed activities and, in the case of a competitive grant opportunity, to determine application rankings or ratings.
Commonwealth entity	An Agency of a State, or a Parliamentary Department or Agency, or a listed entity or a body corporate established by a law of the Commonwealth. See <a href="#">subsections 10(1) and (2)</a> of the Public Governance Performance and Accountability Act.
Commonwealth Grants Rules and Guidelines ( <b>CGRGs</b> )	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.
Control	<p>Control refers 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"> <li>• <b>Directors and Secretary</b> – Company Limited by Shares, Company Limited by Guarantee, Cooperatives</li> <li>• <b>Management Committee and Public Officer</b> - ORIC-Registered Indigenous Corporations, Incorporated Associations</li> <li>• <b>Proprietor/partner</b> – Sole traders, actual person partnerships</li> </ul> <p><b>Note:</b> For trusts, the trustee will typically be one of the legal entities above.</p>
<i>Corporations Act 2001</i>	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.

Term	Definition
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	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 <a href="#">Office of the Registrar of Indigenous Corporations (ORIC) website</a> .
Decision maker	The person who makes a decision to award a grant.
Eligibility criteria	Mandatory criteria must be met to qualify for a grant.
Empowered Communities	An Indigenous-designed and led initiative that involves Indigenous leaders, communities and governments working in partnership to set priorities, improve services and apply funding effectively at a regional level. This increases Indigenous ownership to give Indigenous people a greater say in decisions that affect them. For further information refer to <a href="https://www.niaa.gov.au/indigenous-affairs/empowered-communities">https://www.niaa.gov.au/indigenous-affairs/empowered-communities</a> .
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.
Grant	As defined in paragraph 2.3 of the CGRGs; an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:  (a) under which relevant money or other CRF money is to be paid to a grantee other than the Commonwealth; and  (b) which is to help achieve one or more of the Australian Government policy outcomes while assisting the grantee to achieve its objectives.
Grant activity	The project/tasks/services that the grantee is required to undertake with the grant money as described in the grant agreement.



Term	Definition
Grant agreement	<p>Sets out the relationship between the parties to the agreement, and specifies the details of the grant.</p> <p>A grant agreement comprises the Head Agreement, the Project Schedule and any documents attached or referred to in either of those documents.</p> <p>The Head Agreement sets out the general terms and conditions that apply to all Jobs, Land and Economy <sup>OB:OB</sup> funded projects for a particular grantee.</p> <p>The Project Schedule sets out specific terms and conditions that apply to particular project.</p>
GrantConnect	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	An individual/organisation that has been awarded a grant.
Indigenous Enterprise	An entity with at least 50 per cent Indigenous ownership, as outlined in the <a href="#">Indigenous Procurement Policy</a> .
<p>Indigenous Organisation</p> <p><i>(Note: This definition is used for administering the Incorporation Requirements only – Refer to Appendix 2. It does not relate to the IGP)</i></p>	<p>Aligns with sections 29-5 and 246-5 of the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> and Regulation 6 of the <i>Corporations (Aboriginal and Torres Strait Islander) Regulations 2017</i>.</p> <ul style="list-style-type: none"> <li>• If the corporation has five (5) or more members – at least 51 per cent of the members are Indigenous Australians.</li> <li>• If the corporation has fewer than five (5) members but more than one (1) member – all of the members, or all but one of the members are Indigenous Australians</li> <li>• If the corporation has only one (1) member – that member is an Indigenous Australian.</li> </ul> <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><b><u>and</u></b></p> <p><u>A majority of the directors must be Indigenous Australians.</u></p>
Key performance indicator	A measure that provides information about the extent to which the activities or services meet agreed performance requirements.

Term	Definition
Management	<p>Persons with the responsibility for the day-to-day operation of the funded organisation. It includes:</p> <ul style="list-style-type: none"> <li>• the CEO (or equivalent)</li> <li>• the people occupying the highest positions in relation to: <ul style="list-style-type: none"> <li>○ service delivery;</li> <li>○ finances;</li> <li>○ operations (e.g. property, ICT); and/or</li> <li>○ human resources.</li> </ul> </li> </ul>
Native Title Representative Bodies (NTRBs),	<p>Entities that are ‘recognised’ by the Minister for Indigenous Australians (the Minister) via legislative instrument for 1 – 6 years terms under section 203AD of the Native Title Act.</p>
Native Title Service Providers (NTSPs),	<p>‘Persons or bodies’ selected and funded by the Agency under section 203FE(1) of the Act to perform all representative body functions without a Ministerial recognition process. In performing their functions, NTSPs have the same obligations and powers as NTRBs (section 203FEA of the Native Title Act).</p>
Natural person	<p>A natural person is an actual person. This term is used to distinguish these partnerships from those involving companies.</p>
Owners	<p>Depending on legal entity type, “Owners” may be based on your:</p> <ul style="list-style-type: none"> <li>• <b>Members</b> – ORIC-registered Indigenous corporations, companies limited by guarantee, incorporated associations</li> <li>• <b>Shareholders</b> – companies limited by shares, cooperatives</li> <li>• <b>Proprietors/partners</b> – Sole traders, actual person partnerships</li> <li>• <b>Beneficiaries</b> – trusts</li> </ul> <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>
Prescribed Body Corporate	<p>A Prescribed Body Corporate is a corporation nominated by common law holders pursuant to ss 56-57 of the Native Title Act subsequently placed on the National Native Title Registered maintained by the National Native Title Tribunal.</p>

Term	Definition
Registered Native Title Body Corporate	Following the determination of native title, the PBC is entered on the National Native Title Register as a Registered Native Title Body Corporate (RNTBC). While RNTBC is technically the accurate name for these organisations, PBC is the most commonly used term and is the term used in these Guidelines.
Remote	<p>The Agency generally applies the <a href="#">Accessibility/Remoteness Index of Australia (ARIA)+</a> to define remote areas, except where otherwise indicated. ARIA is widely accepted as Australia's most authoritative geographic measure of remoteness. ARIA measures the remoteness of a populated locality by its physical distance by road to the nearest urban centre.</p> <p>The Agency recognises there are some communities located within inner or outer regional areas that may be considered remote that fall outside the definition of remote explained above. These may be communities that have limited access to government services or standards of infrastructure.</p>
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.
Traditional Owner Corporation	A corporation, established under the CATSI Act, for the purpose acting for traditional owners that have been recognised through a Recognition and Settlement Agreement with the Victorian Government under the <i>Traditional Owner Settlement Act 2010</i> .
Traditional Owner Group Entity	A Traditional Owner Group Entity (TOGE) is an entity established for the purposes of representing traditional owners as part of an alternative native title settlement agreements. For example, regional corporations established under South West (Single Noongar) Settlement in Western Australia.

Term	Definition
Value with relevant money	<p>A judgement based on the grant proposed activity representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations, consistent with the CGRGs. This includes selecting grant activities that best represent value with relevant money in the context of the objectives and outcomes of the grant opportunity.</p> <p>When administering a grant opportunity, an official will consider the costs and benefits of feasible proposals including, but not limited to:</p> <ul style="list-style-type: none"> <li>active risk identification and engagement;</li> <li>the quality of the grant activity/s proposed including how the proposed activity targets groups or individuals using existing processes or innovation;</li> <li>the extent to which there is an approach to risk management that minimises potential waste of relevant money;</li> <li>whether or not awarding the grant would add value by achieving something worthwhile that would not occur without the grant; and</li> <li>whether the grant would contribute to the Government's policy outcomes being achieved.</li> </ul>

## Appendix 1: IAS Program information

### Program 1.1 Jobs, Land and Economy

#### Program objectives

The objectives of the Jobs, Land and Economy Program (the Program) are to:

- support Aboriginal and Torres Strait Islander people to find and remain in sustainable work;
- support remote job seekers' work readiness, through community activities and work experience;
- foster Indigenous business;
- assist Aboriginal and Torres Strait Islander people to generate economic and social benefit from natural and cultural assets, including through the effective and sustainable management of their land; and
- assist Aboriginal and Torres Strait Islander people to progress land and sea claims, and township leases under Commonwealth native title and land rights legislation.

#### Description

The Jobs, Land and Economy Program supports Aboriginal and Torres Strait Islander Australians to overcome barriers to employment and economic participation. It does this by connecting Aboriginal and Torres Strait Islander people with sustainable jobs and ensuring remote job seekers participate in activities that provide both work-readiness experience and that contribute to the broader community. Another key support element is fostering Indigenous business and assisting Aboriginal and Torres Strait Islander people to generate economic and social benefits from natural and cultural assets, through the effective management of Indigenous-owned land and seas and by supporting Aboriginal and Torres Strait Islander people to have their native title rights recognised.

The Program complements a range of state, territory and Commonwealth programs, which also aim to improve Aboriginal and Torres Strait Islander Australians' employment outcomes and to support the development of Indigenous businesses, entrepreneurial skills and community economic participation. It does this by addressing gaps between these activities and targeting additional investment where it can maximise employment opportunities and economic outcomes for Aboriginal and Torres Strait Islander people. The Program may also provide funding for projects that address immediate need in community through small-scale, place-based activities that align with IAS objectives.

#### Program outcomes

The desired outcomes of the Jobs, Land and Economy Program include:

- increase in employment and participation rates for Aboriginal and Torres Strait Islander people;
- increasing the number of Aboriginal and Torres Strait Islander people participating in activities and work experience that build work-readiness and contribute to community;
- increasing the proportion of school/tertiary students and graduates connecting to employment through pathway activities including, but not limited to, school based traineeships and cadetships;
- increasing the number of Aboriginal and Torres Strait Islander participants who reach 26 weeks and/or longer outcomes in employment;
- increasing the number and viability of Indigenous enterprises;

- supporting Australian workplaces to increase their cultural competency and employment of Aboriginal and Torres Strait Islander people;
- engaging local communities in employment solutions;
- support for Aboriginal and Torres Strait Islander people in prison to transition into employment on their release from prison;
- assisting Aboriginal and Torres Strait Islander people to engage in jobs relating to land and sea management;
- progressing land and sea claims and township leases under Commonwealth native title and land rights legislation; and
- supporting Aboriginal and Torres Strait Islander people to use their land and sea assets to create economic and social benefits.

## **Activities that contribute to program outcomes**

Activities contributing to these outcomes that can be funded through the Jobs, Land and Economy Program include:

### **1. Economic Development**

- Support for Indigenous entrepreneurs to establish or grow sustainable businesses.
- Support for Aboriginal and Torres Strait Islander communities to build and promote increased social and economic outcomes.
- Support for Aboriginal and Torres Strait Islander land owners to leverage economic benefits from their land assets, including support for Traditional Owners to make well-informed decisions about how they can use their land, economic development opportunities, and understanding land use processes.
- Support for long-term tradable tenure, including land reform and land administration for Indigenous land owners.

### **2. Employment**

- Tailored assistance to support Aboriginal and Torres Strait Islander people to overcome disadvantage in the labour market, connect to sustainable jobs and address barriers to recruitment and retention.
- Support for Aboriginal and Torres Strait Islander secondary school and post school students to transition from education into sustainable employment or further education.
- Support Vocational Training Employment Centres to connect Aboriginal and Torres Strait Islander job seekers with guaranteed jobs and provide the support services necessary to work with and support Aboriginal and Torres Strait Islander people into sustainable employment.
- Increase the number of large Australian companies to build a workforce reflective of the size of the Aboriginal and Torres Strait Islander population through the Employment Parity Initiative.
- Activities that support jobs in land and sea management, including but not limited to, land and sea management, agriculture and tourism, including:
  - supporting employment opportunities and career pathways for individuals in the Indigenous Land and Sea Management (**ILSM**) sector.
  - supporting skills and capacity within the ILSM sector, including through traineeships, mentoring and job-ready programs.
  - supporting employment opportunities for economic development and fee for service arrangements for Indigenous communities through the sustainable use of land and sea.

### **3. Community Development Program (CDP)**

The CDP is a community driven program that prepares job seekers for work while contributing to the goals of the community. Across remote Australia a network of CDP providers deliver a range of activities to respond to the specific needs of local communities and available employment opportunities. This may include:

- services to assist job seekers to increase their work-readiness, language, literacy and numeracy skills, and contribute to the community;
- services to support and complement cultural business;
- services that provide work – like activities that reflect local employment opportunities;
- services to assist job seekers to overcome vocational and non-vocational barriers;
- accredited and non-accredited training;
- services that cater for different work readiness levels and interests;
- support personal development or community awareness;
- activities that include and cater for diversity within a caseload;
- increase access to job opportunities and support job seekers to retain a job; and
- support job seekers to meet their income support mutual obligations.

The Agency does not generally accept community-led grant applications under the CDP but may on occasion invite applications.

### **4. Recognition of Native Title and maximising economic and social benefit from the use of native title rights**

- Support the performance of statutory functions of native title representative bodies and service providers under the *Native Title Act 1993 (Cth)* (the **Native Title Act**) Only native title representative bodies and organisations invited to apply for funding are able to apply.
- Build the capacity of registered native title bodies corporate, more commonly known as Prescribed Bodies Corporate or 'PBCs', to maximise the economic and social potential of their native title.
- Improve the governance and provide access to training to equip PBCs to build their long-term organisational capacity.

#### **Entities that perform representative body functions**

Two types of entities perform the full suite of representative body functions: Native Title Representative Bodies (**NTRBs**) and Native Title Service Providers (**NTSPs**) (referred to collectively as **NTRB-SPs**).

#### **NTRBs**

Entities that are 'recognised' by the Minister for Indigenous Australians (the **Minister**) via legislative instrument in accordance with section 203AD of the Native Title Act. Upon being recognised, the Agency may fund the NTRB to perform representative body functions (section 203C of the Native Title Act). Only entities invited by the Minister to apply for recognition may apply (section 203AB of the Native Title Act). The Minister may only invite 'eligible bodies' to apply (section 203A of the Native Title Act). Eligible bodies are bodies incorporated under the *Corporations (Aboriginal and Torres Strait Islander Act) 2006 (Cth)* or the *Corporations Act 2001 (Cth)*; and existing representative bodies (section 201B of the Native Title Act).

Before recognising an entity as an NTRB, the Minister must be satisfied it could satisfactorily perform representative body functions, taking into account whether it would perform these functions in a timely, representative, consultative and fair manner (subsection 203AD(1), section 203AI and

section 203BA of the Native Title Act). In deciding the recognition period, the Minister must consider, among other things, what term would promote efficient performance of representative body functions (subsection 203AD(3B) of the Native Title Act). The Minister can withdraw an NTRB's recognition if its performance and/or financial management is unsatisfactory (section 203AH of the Native Title Act).

The Minister can only recognise one NTRB at a time for an area (subsection 203AD(4) of the Native Title Act).

### **NTSP**

'Persons or bodies' selected and funded by the Agency under section 203FE(1) of the Native Title Act to perform all representative body functions without a Ministerial recognition process. In performing their functions, NTSPs have the same obligations and powers as NTRBs (section 203FEA of the Native Title Act). While the Act does not include criteria for NTSP selection and funding, in practice, the Agency has adopted similar considerations as apply to recognition of NTRBs before funding an entity as an NTSP.

While it would be legally possible to have more than one NTSP for an area (or a mix of NTRBs and NTSPs), this would present a range of practical and legal issues and it has never been attempted.

NTRB-SPs must determine the priorities they give to performing their representative body functions and may allocate their resources as they see fit so as to be able to perform their functions, but must give priority to the protection of the interests of native title holders (subsection 203BB(4) of the Native Title Act).

Further information on funding to support capacity building for PBCs is also available on [GrantConnect](http://www.grants.gov.au) at [www.grants.gov.au](http://www.grants.gov.au).

### **Out-of-scope**

The types of activities that will not be funded through the Jobs, Land and Economy Program include:

- activities and training that are not directly linked to employment or do not have a demonstrated aim to overcome barriers to employment;
- training that is not connected to employment and/or employment positions that are not sustainable, or that is not needed to undertake a CDP activity;
- activities and services that are the responsibility of states and territory governments or other Commonwealth programs, including:
  - adult vocational education and training (VET) activities (although assistance that complements the completion of such activities may be considered); and
  - cultural heritage, land rights and land management activities subject to state or territory legislation;
- funding full wages for employment project positions;
- areas that are within the responsibility of state and territory governments such as land administration, for example survey and planning, which is not typically funded;
- jobs already being funded through mainstream employment programs or other service providers; and
- businesses that are unviable and/or unsustainable.



## Appendix 2: Incorporation requirements

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

incorporate under Commonwealth legislation – Indigenous organisations will be required to incorporate under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (the **CATSI Act**) and other organisations will be required to incorporate under the *Corporations Act 2001* (Cth) (the **Corporations Act**); 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 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 the Agency. Details about the exemptions policy and the Application for Exemption form can be found on the Agency's website.

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

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

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

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

Support for Indigenous organisations transferring to the 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 may incur some additional, one-off costs for independent legal advice and accountancy services to support the transfer of incorporation. **To assist those organisations required to transfer their incorporation status, the Agency will provide a one-off \$10,000 (GST exclusive) payment upon receipt of evidence that the transfer has occurred.**

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

## Appendix 3: 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 proposed activity 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 proposed activity has been discussed with the local NIAA Regional Office, or National Office where relevant.
	Any issues raised by the Agency about the proposed activity have been considered and addressed.
	Eligibility requirements set out in the Grant Opportunity Guidelines are met
	Evidence to demonstrate incorporation and/or Indigeneity status where applicable has or will be submitted.
	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, noting that some conditions may change in the final version. If you are not able to accept the main terms of the agreement, you should discuss this with the NIAA Regional Office before completing the application form.
	The name and contact details of two referees who can support the claims made in the application against the assessment criteria can be provided.
	If the applicant has a current NIAA grant agreement, have the Provider Reference Number ready.  The 'Provider Reference Number' can be found on the grant agreement.

### Completing the application form

	Ensure every section of the application form is completed.
	Complete the application form in English.
	Attach all required documentation as specified in Section 8 Supporting documentation of the PCB Capacity Building – Grant Opportunity Guidelines.
	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. Ensure that each letter of support includes the information required as set out in <b><u>section 7.3</u></b> of this document.

### *Non-government applicants who do not have a current grant agreement with the NIAA*

If you are a non-government applicant and do not have an existing grant agreement with the Agency you will need to attach the following supporting documentation:

	A copy of the applicant's most recent financial statements, such as an audited expenditure report, income and expenditure statement, or a balance sheet.
	A copy of the applicants Certificate of Incorporation where relevant. Organisations registered with Australian Charities and Not-for-profits Commission are exempt from this requirement.
	If the applicant is not able to quote an ABN as required in the application form they will be required to provide a copy of a completed 'Statement by a supplier (reason for not quoting an ABN to an enterprise)' form that can be found on the ATO website.