



NEW SOUTH WALES
ABORIGINAL LAND COUNCIL

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Photo credit: Terrie Milgate, Trangie LALC

NSW ABORIGINAL LAND COUNCIL COMMUNITY FUND GRANTS

FREQUENTLY ASKED QUESTIONS

*This document has been prepared by the NSW Aboriginal Land Council (**NSWALC**) to assist eligible Local Aboriginal Land Councils (**LALCs**) to apply for a NSWALC Community Fund Grant. While all care has been taken in the preparation of this document, it is not a substitute for independent advice or consideration of the issues. The information herein is current as at February 2017.*

NSWALC urges LALCs to carefully read the 2017 NSWALC Community Fund Application Guidelines, which contains essential information for LALCs preparing to submit an application. This FAQs document is not a substitute for the Guidelines, but simply addresses common questions that arise during the application period. The topics covered are:

- OVERVIEW
- APPLICATION PROCESS
- ELIGIBILITY AND SCOPE
- WHAT WILL AND WON'T BE FUNDED
- PROJECT PLANNING
- ASSESSMENT AND DECISION MAKING PROCESS

OVERVIEW

1. What is the NSWALC Community Fund?

It is a fund established by the *Aboriginal Land Rights Act 1983 NSW (ALRA)* that generates money from a community development levy on certain LALC land dealings, with matching contributions from NSWALC. The funds are then redistributed to LALCs with net land assets worth less than the Network average through an annual merit-based, competitive grants program.

2. How many LALCs will receive funding?

The number of LALCs that will be funded each round depends on the total amount available in the grant round and the relative merits of each application as assessed in accordance with the *NSWALC Community Fund Policy*.

ELIGIBILITY AND SCOPE

3. Is my LALC eligible to apply?

At the beginning of each round NSWALC will advise all LALCs of their eligibility to apply. Eligible LALCs are welcome to apply for a NSWALC Community Fund Grant. If your LALC has not received a letter from NSWALC, please contact the NSWALC Policy and Programs Unit.

4. We received a grant last year. Are we still eligible to apply this year?

If your LALC received a letter from NSWALC confirming your eligibility for this grants round, your LALC is able to apply for a grant. However, LALCs should note that the *NSWALC Community Fund Policy* includes other eligibility criteria, including whether your LALC is funded as a result of their Risk Assessment System risk rating, which may affect your eligibility status.

LALCs should also note that LALCs who have not received a Community Fund Grant within the past three years will be preferentially weighted in the assessment process.

5. What does a 'legal interest' in the land mean?

Your LALC could be considered to have a 'legal interest' if it holds freehold or leasehold title over the land. Please contact the NSWALC Policy and Programs Unit if you have any questions.

6. What activities are eligible under 'land management'?

Land management activities could include a range of projects. Projects that NSWALC has funded in the past are listed on the NSWALC website at: <http://alc.org.au/nswalc-in-the-community/community-fund.aspx>

It is important to note that while a project may be considered a land management project, applications should clearly demonstrate how the activities will deliver community development outcomes. The *NSWALC Community Fund Policy* also specifically excludes some activities from receiving funding.

7. When you say that grants are for land acquisition activities, what exactly is covered under 'land acquisition'?

This means that your LALC can apply for a grant to purchase land.

8. Can we still apply if the land is subject to Native Title?

Yes, however LALCs should be aware that there are restrictions on Aboriginal Land Councils dealing with land that is subject to Native Title. LALCs are encouraged to obtain a title search of the land they want to deal with. The title search will show if the land is affected by Section 42 of the ALRA or not. LALCs are encouraged to contact NSWALC for further information.

9. What if my LALC has received funding for this project from another grant?

Projects will not be funded where funding for the project is already granted or is available from other sources. If you have received other funding for a specific component of the project, it is important that you explain how this funding is separate from funds being applied for. Applications should not relate to funding for costs that have already been incurred by the LALC.

10. Will my project still be funded if I have a conflict of interest?

Declaring a real, potential or perceived conflict of interest does not disqualify your LALC from applying for funds. However, NSWALC may assess the situation and seek to ensure that appropriate arrangements are in place to manage any perceived or potential conflicts.

APPLICATION PROCESS

11. Can eligible LALCs lodge more than one application?

No, only one application per eligible LALC will be accepted each round.

12. Can my LALC get an extension to submit an application?

In the interests of fairness for all LALCs, no extensions will be granted and late applications will not be accepted.

13. Do all attachments (such as the CLBP and insurances) need to be provided by the due date?

It is recommended that all supporting documentation is provided to NSWALC by the due date. If your LALC is unable to provide the necessary supporting documentation please contact the NSWALC Policy and Programs Unit before the closing date.

14. What if I have confidential or sensitive information?

Please indicate in the application form what information must be kept confidential.

15. Is NSWALC able to assist LALCs with their application?

NSWALC has prepared guidance materials to support all eligible LALCs to prepare applications. LALCs are also encouraged to contact the NSWALC Policy and Programs Unit to seek clarification if there are any elements of the grants program that are unclear. However, NSWALC is not able to complete application forms or assist LALCs to prepare the applications. The grants program is a competitive, merit-based program and all LALCs are competing against each other for limited funds.

It is important to note that any guidance provided by NSWALC staff is given in good faith and that:

- (a) the sole responsibility for making complete and adequate applications rests with the LALC, and
- (b) any assistance given by NSWALC staff is not any kind of representation or promise that the application will be funded.

WHAT WILL AND WON'T BE FUNDED

16. Can x, y or z type of project be funded?

The onus is on LALCs to make the case for funding in their applications by demonstrating how their proposed projects meet all of the eligibility and assessment criteria set out in the *NSWALC Community Fund Policy*. It is important to note that funding is not guaranteed, even if an application meets all of the criteria set out in the *NSWALC Community Fund Policy*. The grants program is a competitive, merit-based program and all LALCs are competing against each other for limited funds.

17. Can funds from the grant be put towards employment costs?

The Community Fund Policy outlines that costs for consultants or existing LALC employees working on the project as part of their usual duties will not be funded. However, there are cases in which a Community Fund Grant might reasonably be used for employment, such as hiring contractors. Where contractors are proposed, the application should clearly outline their role and specify the tasks they will be undertaking, in addition to addressing the assessment considerations.

18. The guidelines say that vehicles won't be funded, but what about vehicles for land management?

The *NSWALC Community Fund Policy* excludes vehicles like cars and from being funded. However, this does not prevent a LALC from applying for funding for other land management equipment. If a vehicle can reasonably be considered as land management equipment (e.g. tractors and mowers), then this may be eligible for funding.

19. The guidelines say that consultants won't be funded, but how do you define a 'consultant'?

The *NSWALC Community Fund Policy* excludes consultants from being funded. The *Application Guidelines* defines a consultant as a "contactor that provides expert knowledge to analyse information, draw conclusions, and makes recommendations; and the nature of the output tends to be open ended and more complex, and requires the LALC to consider a recommended course of action (for example, a range of recommendations which the LALC must consider). For the avoidance of doubt, this does not preclude funding for professional services or advice specific to property transactions."

PROJECT PLANNING

20. Does our proposed project need to be specifically mentioned in our CLBP?

A proposed project does not have to be specifically mentioned in your LALC's CLBP; however, it should be consistent with it.

21. Do I need to obtain all relevant approvals before submitting my application?

It is recommended that all relevant approvals are obtained prior to submitting an application. Where approvals have not been sought or granted, the application should address these issues. If your application is successful, the LALC is responsible for ensuring all relevant approvals, consents and permits are obtained. The Funding Agreement may address these issues.

LALCs should also be aware of the land dealings provision in the ALRA. See Section 40(1) of the ALRA for a list of actions considered to be land dealings in accordance with the ALRA. LALCs should also be aware of the NSWALC policy on LALC land dealings, which can be found at: www.alc.org.au/land-councils/lalc-land-dealings.aspx. LALCs are encouraged to contact NSWALC to discuss whether their proposed project may be considered a land dealing for the purposes of the ALRA, and what requirements may apply.

22. Do I need project partners?

No, partners are not essential. If LALCs do have partners, it is important that LALCs outline their roles and responsibilities in the application form.

23. What do you mean when you ask about 'risk' in the application form?

Applications should identify any potential risks (including conflicts of interest) that may impact on the success of the project. It should also identify sound strategies to mitigate and manage the risks.

24. Does my LALC need to take out insurance for the project?

It is important that LALCs maintain adequate insurance for the life of the project and provide NSWALC with proof of insurance.

25. How many quotes need to be submitted?

It is recommended that applications are specific as possible and are supported by evidence. Wherever possible, obtain a quotation from a supplier and include it with your application as NSWALC assesses projects taking into account realistic costs and budget detail. Applications that provide accurate and well-documented information will assist NSWALC to assess the application in line with the considerations outlined in the *NSWALC Community Fund Policy*.

Also note that the guidelines state that three quotes are required for goods or services valued over \$30,000.

ASSESSMENT PROCESS

26. How will NSWALC decide which LALCs receive funding?

Applications will be assessed in accordance with the parameters set out in the *NSWALC Community Fund Policy*. A panel of senior Aboriginal NSWALC staff and independent experts will assess applications and make recommendations to the Council of NSWALC. The Council of NSWALC will make the final decision as to which projects will be funded. NSWALC may also decide to only fund part of the amount requested.

27. Will successful LALCs automatically be offered the full amount they applied for?

No. In certain cases, Council may decide to fund only part of the amount requested, based on the criteria outlined in the *NSWALC Community Fund Policy*.

28. Will the grant payment be paid upfront if my application is successful?

No. The grant will usually be paid in a series of instalments. Each instalment will be contingent on project milestones being met, NSWALC being satisfied with the project's progress and the LALC otherwise complying with terms and conditions set out in a Funding Agreement.

29. Is there an appeals process if my application is unsuccessful?

No. Council's decision about which projects to fund will be final. Unsuccessful LALCs may request feedback about their application from NSWALC.

ANY FURTHER QUESTIONS?

Please contact the NSWALC Policy and Programs Unit on (02) 9689 4444 or policy@alc.org.au.



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