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## State Wide Grants Policy and Procedure

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|--|---------------------------------|------------------------|-----|
| <b>Number:</b>                                   | PP1006                          | <b>Version:</b>        | 1   |
| <b>Drafted by:</b>                               | Manager, Program Implementation |                        |     |
| <b>Date created:</b>                             | 4 February 2019                 |                        |     |
| <b>Relevant ALRA section/s:</b>                  | Section 108 (1)(d)              |                        |     |
| <b>Section 113 Policy:</b>                       | No                              |                        |     |
| <b>LALC Consultation Period:</b>                 | No                              |                        |     |
| <b>Replaces existing policies or procedures:</b> | N/A                             |                        |     |
| <b>Approved by CEO:</b>                          | TBC                             | <b>Gazetted:</b>       | N/A |
| <b>Approved by Council:</b>                      | TBC                             | <b>Effective date:</b> | TBC |
| <b>Approved by Minister:</b>                     | N/A                             | <b>Review date:</b>    | N/A |
| <b>Responsible Manager:</b>                      | Manager, Program Implementation |                        |     |

## Overview

1. A Community Benefits Scheme is a mechanism by which the New South Wales Aboriginal Land Council (**NSWALC**) can provide discretionary grants to individual community members or community entities.
2. NSWALC has the function pursuant to section 108 (1)(d) of the *Aboriginal Land Rights Act 1983 (NSW)* (**ALRA**) to make grants for or on behalf of Aboriginal persons in relation to a Community Benefits Scheme.
3. A Community Benefits Scheme is defined in section 4 of the ALRA as “*a scheme for the provision of community benefits*”. A community benefit being “*a benefit or service provided for the benefit of Aboriginal persons, and may include, but is not limited to, the following:*
  - (a) *funeral funds,*
  - (b) *residential accommodation,*
  - (c) *education and training,*
  - (d) *scholarships and other assistance for education and training,*
  - (e) *cultural activities,*
  - (f) *child care,*
  - (g) *aged care services.*”
4. NSWALC must ensure that any Community Benefits Scheme complies with the requirements in section 108(2) of the ALRA, namely:
  - (a) complies with the ALRA and the regulations, and
  - (b) is consistent with any applicable policy of the Council, and
  - (c) is consistent with the community, land and business plan of the Council, and
  - (d) is fair and equitable and administered in a responsible and transparent way, and
  - (e) will not prevent the Council from being able to meet its debts as and when they fall due.
5. The Council has approved a community benefit scheme, “**the State Wide Grants**”, which includes the provision of grants for events of state wide significance that support and promote Aboriginal culture and/or sporting achievement.

## Available Grants – State Wide Grants

6. In accordance with the NSWALC Council resolution, NSWALC will make available state wide grants for organisations and events that have state wide Aboriginal participation and are of state wide significance for Aboriginal peoples in NSW.
7. The events chosen must support and promote Aboriginal culture and/or sporting achievement. Activities that do not meet these purposes will not be funded under the State Wide Grants.

## Assessment of Grant Applications

8. In order for NSWALC to assess a State Wide Grant application, the following must be submitted:

- a. A State Wide Grant application form (all sections must be completed);
  - b. Supporting documents that document and verify the activities/events that grant funding is being applied for.
9. In assessing the grant sought, NSWALC will consider the following:
- a. Whether the application is in accordance with the State Wide Grants approved pursuant to section 108 of the ALRA;
  - b. Whether the application meets one of the purposes of the State Wide Grants;
  - c. Whether the application is consistent with NSWALC's Strategic Plan priorities;
  - d. Whether the applicant has received a grant from NSWALC previously;
  - e. Whether funding is adequately available from other sources in order to avoid duplication of grants;
  - f. Service gaps and areas or sectors of need within communities, along with the manner in which any grant would enhance the capacity of a community to meet their needs;
  - g. Whether the monies sought is justified in terms of what it is proposed to be used for;
  - h. Whether the applicant has the support of a LALC;
  - i. Whether the potential recipient, if an organisation, is an Aboriginal community controlled organisation; and
  - j. Whether the provisions of these Policies and Procedures are met.
10. Councillors must consider and declare if they have a pecuniary interest (conflict of interest). A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in s183 of the ALRA (See s182 and 183 of the ALRA). If a Councillor declares a pecuniary interest, Council will determine the application independently and without consultation with the relevant Councillor.

## **Procedures**

### **Disbursement regime**

There will be one funding round each year, with an application period open for two months generally between March and April. Applications received will be considered by Council, shortly thereafter, and ideally at the May meeting to coincide with the budget approval for the financial year ahead.

### **Communication with applicants**

All NSWALC staff members and Councillors must remain impartial in all matters relating to State Wide Grants, particularly during the application, assessment and decision-making processes. In order to ensure fairness and equity to all applicants, and the transparency and integrity of the grants program, all NSWALC staff and Councillors **must not** give preferential treatment to one applicant over another.

The State Wide Grants program is a competitive, merit-based grants program and applicants are competing against each other for a limited pool of funds. It is important that all applicants have access to the same information and opportunities to minimise any potential for perceptions of bias, or perceptions that certain events will be funded. It is important to note that:

- Communications between applicants and NSWALC staff in relation to applications be limited to providing consistent information and guidance only in line with the ALRA, the State Wide Grants Policy, Procedures and any other approved materials.
- NSWALC staff or Councillors **must not** assist any applicants with completing their applications. This includes reviewing or providing advice on draft applications.
- Letters of support from NSWALC staff or Councillors for an applicant's application must not be provided.
- No NSWALC staff member or Councillor should take a stance on a particular application before it goes through the assessment process, nor create any expectation that the event will be funded before Council makes its final decision.
- All NSWALC staff and Councillors must declare any conflicts of interest with respect to State Wide Grant applications.

### **Eligibility of applicants**

The State Wide Grants program is open to organisations and events that have state wide Aboriginal participation and are of state wide significance for Aboriginal peoples in NSW.

### **Pre-application stage**

- Application materials to be prepared including application form, timeframes and key contact details. Applicants should be provided with a minimum of two months to apply.
- Communication materials to be prepared for external stakeholders including Network Message, Media Release, updated NSWALC website text and other related media to promote the grants program to eligible applicants.

## Application stage

- Opening round to be announced via the NSWALC website, social media and materials to be circulated to the Network and broader Aboriginal community.
- Applicants are required to complete the State Wide Grant application form (Form A) and submit with relevant supporting documents to the NSW Aboriginal Land Council grants email account: [grants@alc.org.au](mailto:grants@alc.org.au) by the due date.
- Applications that are incomplete or not submitted on the correct form will not be considered.

## Assessment stage

- All eligible applications should be assessed using a competitive, merit-based process based on the criteria set out in the State Wide Grants Policy.
- Council decisions on the granting of funds from the State Wide Grants program are to take place as soon as practicable after the application period has closed.
- Council deliberations should be supported by an assessment and recommendation of applications made by the NSWALC Program Implementation Unit based on the following:
  - The eligibility criteria established by the State Wide Grants Policy; and
  - The assessment considerations established by the State Wide Grants Policy.

### Considerations for assessment stage

**Eligibility:** In accordance with the State Wide Grants Policy, applications should not be assessed or funded if they do not meet the following two eligibility requirements:

- a. **Eligible applicants** are organisations and events that have state wide Aboriginal participation and are of state wide significance for Aboriginal peoples in NSW; and
- b. **Eligible events** must support and promote Aboriginal culture and/or sporting achievement.

**Assessment considerations:** The State Wide Grants Policy outlines ten assessment considerations as follows.

- a. Compliance with **section 108 of the ALRA**;
- b. Whether the application **meets one of the purposes of the State Wide Grants**;
- c. Whether the application is **consistent with NSWALC's Strategic Plan** priorities;
- d. Whether the applicant has **received a grant from NSWALC previously**;
- e. Whether **funding is adequately available from other sources** in order to avoid duplication of grants;
- f. Service gaps and areas or sectors of need within communities, along with the manner in which any grant would **enhance the capacity of a community to meet their needs**;
- g. Whether the **monies sought is justified** in terms of what it is proposed to be used for;
- h. Whether the applicant has the **support of a LALC**;
- i. Whether the potential recipient, if an organisation, is an **Aboriginal community controlled organisation**; and

- j. Whether **the provisions of these Policies and Procedures are met.**

**Other relevant information:**

- a. Whether **supporting documentation** has been provided;
- b. Whether any **confidential or sensitive information** has been identified;
- c. Whether any **potential conflicts of interest** have been declared or identified;
- d. **Late and/or incomplete applications:** Consideration should be given as to whether late and/or incomplete applications will be accepted.
- e. **Issues for further consideration:** Some applications may require further consideration in terms of their eligibility, interpretation and application of the State Wide Grants Policy. These issues should be noted for Council to consider.
- f. **Information requests:** If NSWALC Program Implementation has sought clarification from applicants in respect to elements of the application these issues should be documented for Council consideration.

## Decision making

The recommendations provided by NSWALC Program Implementation are to be provided to the Council to make the final decision regarding which events will be funded.

NSWALC Program Implementation should prepare a submission to Council including:

- Relevant legislation and policies including the ALRA and State Wide Grants Policy
- The application and assessment processes followed, including any departures from the documented procedures, any limitations on the assessment processes undertaken, any qualifications in relation to the assessment of applications, any limitations or gaps in the information that was available, any matters that have not been examined or on which the administration was unable to form a view, and any risks these may give rise to
- Summary of all applications received
- Recommendations for each eligible application assessed
- Total funds requested and total funds available
- Events recommended for funding, how they meet the objectives of the Policy, the merits of each event, recommended amounts of funding for each event, and any recommended conditions of funding
- Projects not recommended for funding and why.

The Council should make their decisions based on the parameters set out in the State Wide Grants Policy. Any new information that the Council may be considering, and the manner in which it was taken into account, should be documented. The decisions of Council are to be recorded and any variance to the recommendations provided must be documented with reasons.

## Advising applicants of NSWALC's decision

As soon as practicable after the Council decision, NSWALC Program Implementation should prepare written correspondence to be signed by the NSWALC CEO or authorised delegate to:

- a. All **successful applicants** outlining next steps and any funding pre-conditions that need to be met (both general and specific). It is generally recommended that applicants are provided with 20 business days to return any additional information to NSWALC.
- b. All **ineligible or unsuccessful applicants** outlining reasons. A summary of constructive feedback based on the documented comments of the Council should be provided where appropriate. Where possible and appropriate, advice may be provided to applicants on potential alternative sources of funding.

## Payment of Grants

The following documents will be submitted for payment to the NSWALC Finance Unit:

1. A completed payment voucher to be signed by a NSWALC Manager or Executive with delegation to approve;
2. Invoice from the event organisers;
3. NSWALC purchase order;
4. Relevant Council decision/approval; and
5. Signed acceptance of the terms and conditions of the grant funding (both general and specific).

## Acquittal of Grants

To ensure proper acquittal of funds, grant recipients are required to submit an Acquittal Report indicating how the money spent can be linked back to the activities for which funding was originally requested. Applicants should use the relevant NSWALC template (Form B) to complete this step, and provide the formal acquittal by the end of the financial year in which funding has been disbursed.

All unspent funds must be returned to the NSWALC. This should be a requirement of the terms and conditions.

## Authorities and Accountabilities

The Council of NSWALC is to make decisions on the granting of funds for the NSWALC State Wide Grants program.

The NSWALC CEO, in accordance with s139(1) of the ALRA will ensure that the State Wide Grants will be administered, without undue delay. The exercise of this is subject to all funding requests being first approved by Council.

The Manager of the Program Implementation Unit is authorised to approve payment vouchers following a decision by Council and subject to the event organisers agreeing to NSWALC's State Wide Grant terms and conditions of funding.

The Media and Communications Unit is responsible for media and communications of the program and events supported by NSWALC.

The Finance Unit is responsible for processing grant payments and forwarding a copy of the remittance advice to the event organisers.

## **Terms and Conditions**

- The recipient must expend the State Wide Grant only for the activity or event specified in the letter of offer/agreement issued by NSWALC.
- The recipient must comply with, and monies granted must be expended, in accordance with these terms and conditions, and the provisions of the State Wide Grants Policy and Procedure.
- The recipient has the appropriate insurance coverage in place, and a Certificate of Currency can be provided to NSWALC upon request.
- All decisions pertaining to NSWALC State Wide Grants are at the total discretion of the NSWALC and there is no right to appeal any decisions made by NSWALC.
- The recipient must expend the State Wide Grant by the end of the financial year in which funding has been disbursed.
- The State Wide Grant is not recurrent.
- The State Wide Grant is made on the assumption of honest and full disclosure of information. Evidence that the information relied upon by NSWALC is incorrect and/or misleading will make the State Wide Grant null and void and the recipient agrees to refund any monies paid under the State Wide Grant to NSWALC as determined by NSWALC in its absolute discretion.
- Recipients will be required to refund grant monies not applied, or applied contrary to the approved activity or event and/or contrary to the terms and conditions and the State Wide Grants Policy and Procedure.
- Prior to receiving payment of the State Wide Grant monies, the recipient must comply with the provisions of the State Wide Grants Policy and Procedure.
- All recipients of the State Wide Grant will be required to submit an acquittal to NSWALC by the end of the financial year in which funding has been disbursed. This acquittal will include written details confirming:
  1. The date the event was completed;
  2. The grant monies were expended in accordance with the letter of offer and the terms and conditions contained therein;
  3. Details of the expenditure of the monies and if there are any monies unspent;
  4. The event supported and promoted Aboriginal culture and/or sporting achievement;
  5. The approximate number of community members who participated in the event.
- The recipient's participation in this grant process and the State Wide Grants is at the recipient's own risk, cost and expense and the recipient agrees to indemnify NSWALC, its officers, employees and contractors against all actions, proceedings, claims, losses, damages or costs arising in any way in



connection with the grant, the State Wide Grants, the activity or event undertaken or any other acts or omissions of NSWALC pursuant to this Policy and Procedure.

# Application form – NSW Aboriginal Land Council State Wide Grant

## FORM A

|   |                                     |                                    |
|---|-------------------------------------|------------------------------------|
| <b>Name of Organisation/ Event:</b>   |                                     |                                    |
| <b>If an organisation, is it an Aboriginal controlled community organisation?</b>   | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <b>Has the recipient received a State Wide Grant from NSWALC previously?</b>  | <input type="checkbox"/> <b>Yes</b> | <input type="checkbox"/> <b>No</b> |
| <b>Date of event:</b>   |                                     |                                    |
| <b>Location of event:</b>   |                                     |                                    |
| <b>Name of contact person:</b>  |                                     |                                    |
| <b>Phone number:</b>  |                                     |                                    |
| <b>Email address:</b>   |                                     |                                    |
| <b>Postal address:</b>  |                                     |                                    |
| <b>Amount requested:</b><br>Please attach an itemised budget detailing how the total amount will be used.   | <b>\$</b>                           |                                    |
| <b>Bank details (if grant is approved)</b>  |                                     |                                    |
| <b>Account name:</b>  | <b>BSB:</b>                         | <b>Account number:</b>             |
| <b>Questions (please answer all questions).</b><br>Please also attach supporting documents (for instance flyers for the event, invitations, letters promoting the event etc.) |                                     |                                    |
| <b>How does the event aim to promote Aboriginal culture and/or sporting achievement?</b>  |                                     |                                    |

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**How will the event support state wide Aboriginal participation?**

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|--|

**How is the event of state wide significance for Aboriginal peoples in NSW?**

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|--|
|  |
|--|

**Who will attend the event? What is the approximate number of attendees expected?**

|  |
|--|
|  |
|--|

**Does this event have the support of a Local Aboriginal Land Council (LALC)?**

**Yes**

**No**

**If yes, which LALC?**

**Name:**

|  |
|--|
|  |
|--|

## Confidential or Sensitive Information

Please specify what (if any) information contained in this application should be treated as confidential or sensitive and please provide reasons.

## Declaration

I declare that the information supplied by me on this form and in its attachments is true, complete and correct. I understand that my application may be rejected if I provide false or misleading information. I will notify NSWALC of any changes to the information provided and any circumstances that may affect this application.

I acknowledge that all decisions pertaining to NSW Aboriginal Land Council State Wide Grants are at the total discretion of the NSW Aboriginal Land Council and I have no right to appeal any decisions made by them.

I have read and agree to the above and the Privacy Notice contained below.

**Privacy Notice:** by completing this form you may be providing personal information to NSWALC. Any information is provided voluntarily and alternatives to providing personal information can be discussed, should you, or anyone whose personal information may be provided, choose not to provide that personal information. Any personal information provided is being collected to assess and determine this NSWALC State Wide Grants Application Form and may be disclosed to third parties for assessment purposes. Any personal information will be held by NSWALC at 33 Argyle Street Parramatta and NSWALC can be contacted should any person wish to access and/or correct any personal information. Other than as set out above, NSWALC will not disclose any personal information without your consent unless it is authorised or required by law.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_

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# Acquittal report – NSW Aboriginal Land Council State Wide Grant

## FORM B

|   |           |
|---|-----------|
| <b>Name of Organisation/ Event:</b>   |           |
| <b>Date of event:</b>   |           |
| <b>Location of event:</b>   |           |
| <b>Name of contact person:</b>  |           |
| <b>Phone number:</b>  |           |
| <b>Email address:</b>   |           |
| <b>Postal address:</b>  |           |
| <b>Total amount granted:</b>  | <b>\$</b> |
| <b>Approximate number of people who attended the event:</b>   |           |
| <b>Provide an overview of the success or otherwise of the event including broader community outcomes:</b> |           |

**Expenditure:**

*You may choose to attach your own statement to identify how grant funds have been spent to date, or you may wish to fill in the table provided below. Please attach supporting documentation (e.g. receipts).*

| TOTAL APPROVED PROJECT BUDGET |                    |                    | ACTUAL EXPENDITURE    |                    |                    | VARIATION              |                        |
|-------------------------------|--------------------|--------------------|-----------------------|--------------------|--------------------|------------------------|------------------------|
| OTHER SOURCES FUNDING         | TOTAL NSWALC GRANT | WHOLE EVENT BUDGET | OTHER SOURCES FUNDING | TOTAL NSWALC GRANT | WHOLE EVENT BUDGET | VARIATION NSWALC FUNDS | VARIATION EVENT BUDGET |
| Event Costs                   |                    |                    |                       |                    |                    |                        |                        |
| Item 1                        |                    |                    |                       |                    |                    |                        |                        |
| Item 2                        |                    |                    |                       |                    |                    |                        |                        |
| Item 3                        |                    |                    |                       |                    |                    |                        |                        |
| Item 4                        |                    |                    |                       |                    |                    |                        |                        |
| Item 5                        |                    |                    |                       |                    |                    |                        |                        |
| <b>TOTAL</b>                  |                    |                    |                       |                    |                    |                        |                        |

**Is there anything else you would like to raise in the report:**

**Confirmation:**

*I, \_\_\_\_\_, confirm that the contents of this report, and any associated attachments are true and accurate.*

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Office held:** \_\_\_\_\_