



New South Wales
Aboriginal Land Council

NSWALC Community Fund Procedures

GUIDING PRINCIPLES

INTRODUCTION

1. In accordance with the *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) and the NSW Aboriginal Land Council (**NSWALC**) Community Fund (**NCF**) Policy, NSWALC is responsible for administering grants from the NSWALC Community Fund each year.

The NCF Policy (Annexure 1) is the applicable policy for determining amounts payable from the NSWALC Community Fund. The NCF Policy stipulates the following:

- a. The purposes for which eligible Local Aboriginal Land Councils (**LALCs**) may seek funding from the NSWALC Community Fund;
- b. The eligibility criteria for accessing funding from the NSWALC Community Fund; and
- c. The assessment considerations the Council of NSWALC will take into account in determining applications for funding from the NSWALC Community Fund.

The NSWALC Community Fund Policy was developed and approved in accordance with Sections 113 and 114 of the ALRA, and published in the NSW Government Gazette by the Minister for Aboriginal Affairs on 5 March 2015. Following review of the NCF further consultation was undertaken with LALCs between August and October 2019. Approval of amendments to the NCF Policy were subsequently published in the NSW Government Gazette by the Minister for Aboriginal Affairs on 13 March 2020.

PURPOSE & SCOPE

2. This document, the NSWALC Community Fund Grants Program Procedures (**the Program**), details the administration of the Program in accordance with the NCF Policy.
3. The Procedures aim to ensure transparency, equity and accountability by:
 - Outlining clear steps for each stage of the grant administration process,
 - Promoting best practice record keeping, suitable for audit,
 - Promoting transparent communications,
 - Outlining justifiable assessment and decision-making processes.
4. These procedures outline how applications for funding from the NCF will be sought, received, assessed and determined by NSWALC.

LEGISLATIVE REQUIREMENTS

5. In relation to the NCF the ALRA provides the following functions;
 - **Section 113(1)(b1)** NSWALC may prepare and implement policies about the provision of amounts from the New South Wales Aboriginal Land Council Community Fund to Local Aboriginal Land Councils on the basis of need so as to increase resources available for less advantaged Local Aboriginal Land Councils,

- **Section 149A(2)** Funds from the NSWALC Community Fund may be used for the following:
 - i. for grants to a Local Aboriginal Land Council for the purpose of the management and acquisition of land;
 - ii. for community benefit schemes for persons within the area of a Local Aboriginal Land Council; and
 - iii. for any other payments authorised by or under the ALRA or any other Act.
- **Section 149A(3)** That the Council of NSWALC in determining amounts to be paid from the NSWALC Community Fund, must have regard to any applicable policy of the Council.

6. As provided in the ALRA, Section 113 Policies relate to Aboriginal Land Council Functions, therefore, to ensure consistency between the Policy and the ALRA, any 'Grants to undertake projects which demonstrate clear community development outcomes' must be consistent with Section 52 Functions of Local Aboriginal Land Councils.

AMOUNTS AVAILABLE FROM THE FUND

7. As provided in the ALRA, NSWALC may prepare policies for the provision of amounts from the NCF to LALCs on the basis of need, so as to increase resources available for less advantaged LALCs.
8. The total amount available annually for grants from the Fund will be determined by NSWALC's usual budgetary processes as approved by Council.

LALC ELIGIBILITY & DETERMINATION

9. The NCF Policy states that LALCs with net land assets worth less than the LALC network average will be considered as less advantaged for the purpose of determining eligibility under this Policy. Accordingly, to seek a grant from the Fund the following applies:
 - i. Grants from the Fund will be made available to less advantaged LALCs.
 - ii. LALCs with '*net land assets*' worth less than the LALC network average will be considered as '*less advantaged*'.
10. Net Land Assets exclude the following:
 - i. Former reserves and missions; and
 - ii. Jointly Management National Parks;
11. The following formula is used to calculate each LALCs net land assets

$$I - F - J = \text{Net land assets}$$

I = Improved land assets

F = Former reserves and missions (if any)

J = Joint Managed National Parks (if any)

12. Given the differing methods of reporting in a LALCs Annual Financial Statements, the template form 'LALC Land & Building Asset Value' (Annexure 2) is to be provided to all LALCs via their NSWALC Zone Office. This

form is to be completed by the Accountant or Auditor at the time they are completing the LALCs Annual Financial Statements.

13. Where this information is unable to be provided by the Accountant or Auditor, or may incur a cost to the LALC, the Zone Finance Officers will work with the Senior Programs Officer, or other delegated/appropriately qualified Program Implementation Unit staff, to extract the necessary information from the LALCs most recent Annual Financial Statements.
14. The specific information sought for Land & Buildings includes 'improved' land assets such as buildings, and also includes depreciation or impairment.
15. NSWALC may also consider excluding from a LALCs 'net land asset' value, any asset which would typically be realisable through sale, however may not be realisable for a LALC. Non-realisable assets include, but are not limited to;
 - i. Housing improvements on former Reserves and Missions
 - ii. Infrastructure improvements on National Parks.

To avoid doubt, these assets are considered to be non-realisable due to the nature of the asset itself or land on which the asset exists. Though there may be instances whereby improved land assets cannot be realised in the short-term due to zoning or non-claimant determinations, they are likely to become realisable when these restrictions change. NSWALC will evaluate these assets on their merit at the time of assessing a LALC's eligibility to the Program.

16. Following the collation of all financial information required to determine a LALCs eligibility to seek a grant from the Fund, NSWALC will undertake a consultation period with all LALCs for a period of thirty (30) days. LALCs will be provided with advice on their proposed eligibility status, as determined by the financial information which pertains to the eligibility formula along with the current NCF Policy and Eligibility Table. The purpose of this consultation period is to provide all LALCs with an opportunity to furnish NSWALC with additional information which may support a review of their proposed eligibility status.
17. If no further information is provided to NSWALC at the closure of the Proposed Eligibility consultation period, the Eligibility Table will be finalised and the steps will be taken to open the Grants round to receive EOI from eligible LALCs.
18. If a LALC provides information that supports a review of their Proposed Eligibility status a review will be undertaken and, if considered appropriate will be included in the Eligibility Table. In undertaking this process, if a LALC's eligibility changes from 'eligible' to 'ineligible', the LALC shall be provided an opportunity to furnish NSWALC with further information they may wish to have considered. The timeframe for this will be at the discretion of the Manager, Program Implementation Unit with consideration given to the date for opening the financial year grants round.
19. In considering all the information to determine and finalise eligibility, NSWALC's decision will be final.
20. NSWALC reserves the right to consider and determine a LALC eligible to receive a grant from the Fund where, the formula does not adequately differentiate between a LALCs non-realisable assets and where, the disadvantage of the LALC is clearly identifiable. In this instance advice is to be provided from the Zone Office and approval of the Executive Director, Network Delivery is to be obtained.

UNFUNDED LALCS

21. The NCF Policy states that Local Aboriginal Land Councils that are categorised as 'unfunded', as a result of their Risk Assessment System risk rating, are **ineligible** to receive funding under this Policy.

22. Noting however, a LALCs funding category may change during the calendar year, eligible LALCs categorised as *'unfunded'* may still submit an EOI for the financial year grants round for which their net land asset determination deemed them eligible.
23. The LALCs funding category will be considered at the time of assessing the Project Proposal, making a recommendation to the Council of NSWALC and at the time of entering into a Funding Agreement.

LALCS UNDER ADMINISTRATION

24. Eligible LALCS under administration are considered *'funded'* and are therefore eligible to apply for and receive a grant from the Fund.

ELIGIBLE ACTIVITIES

25. In accordance with the NCF Policy, eligible LALCs may seek a grant for the following activities;
 - a. Grants to assist with the acquisition of land, where all other avenues for funding have been exhausted;
 - b. Grants to undertake land management activities, in relation to lands in which the Local Aboriginal Land Council has a legal interest; and
 - c. Grants to undertake projects which demonstrate clear community development outcomes.

THE PROGRAM

26. The NSWALC Community Fund Grants Program (**the Program**) is a merit based program that is assessed in accordance with the Policy. The Program is funded by the Community Development Levy (**CDL**) (**the Levy**) provision under Section 42R, through payments made by LALCs on dutiable transactions which are the matched by the NSWALC and held in the NSW Aboriginal Land Council Community Fund (**the Fund**).
27. Given the inconsistency of CDL contributions to the Fund each year, the total amount available to the Program will be determined each financial year in accordance with NSWALC's usual budgetary processes as approved by Council.
28. The Program will open annually on 1 July and remain open until the financial year end on 30 June.
29. Eligible LALCs will be notified of the Program opening and are able to submit an Expression of Interest (**EOI**) at any time during the financial year grant round for which their eligibility has been determined.
30. The process for determining LALC eligibility will be undertaken the year prior to the opening of each calendar year in line with LALCs completing their Annual Financial Statements.
31. A LALCs eligibility will only remain current for the succeeding financial year grant round.
32. EOIs from eligible LALCs received during the financial year grant round for which they are eligible, but have not progressed to the Assessment stage of their Project Proposal before the next Eligibility, will be on hold to ensure the LALCs eligibility to seek a grant from the Fund remains current.
33. For the recommencement of the Program in the 2020 year, the Program will re-open to receive Expressions of Interests from 1 July 2020.
34. NSWALC is empowered under Section 113(1)(b1) to implement policies on the provision of amounts from the Fund on the basis of need so as to increase resources and assets available for less advantaged LALCs.
35. Funds granted will not exceed \$150,000 (excluding GST) per LALC per financial year.

NSWALC STAFF & COUNCILLOR COMMUNICATIONS

- 36.** All NSWALC staff members and Councillors must remain impartial in all matters relating to the NCF, particularly during the application, assessment and decision-making processes. To ensure fairness and equity to all LALCs, and the transparency and integrity of the grants program, all NSWALC staff and Councillors **must not** give preferential treatment to one LALC over another.
- 37.** The NCF Grants program is a merit-based grants program with a limited annual budget for disbursement. It is important that all LALCs have access to the same information and opportunities to minimise any potential for perceptions of bias, or perceptions that certain projects will be funded. It is important to note that:
- a.** All communications throughout the eligibility, application, assessment and decision-making processes are to be directed to the Senior Programs Officer, or other delegated Program Implementation Unit staff in the first instance to ensure consistency. These communications should also be documented.
 - b.** Any communications between an eligible LALC and NSWALC staff in relation to the application, assessment and decision-making are to be limited to providing consistent information and guidance only, in-line with the ALRA, the NCF Policy, NCF Grants Program Policy and Procedures and any other approved materials.
 - c.** NSWALC Staff, with the exception of Program Implementation Unit and Zone staff where necessary, or Councillors **must not** assist any LALCs with their EOIs or Project Proposals. This includes reviewing or providing advice on any drafts.
 - d.** Assistance provided by Program Implementation Unit or Zone staff, is to be documented and communicated with the Senior Programs Officer or other delegated Program Implementation Unit staff.
 - e.** NSWALC staff and Councillors should not take a stance on an EOI or Project Proposal before it has been through the assessment process, nor should any expectation be created that the Project will be funded prior to Council making its final decision.
 - f.** All NSWALC staff, involved with a LALCs EOI, Project Proposal and Assessment, and Councillors must declare any conflicts of interest with respect to applications to the NCF Grants Program.
 - g.** Once a Project Proposal is approved and a funding agreement is in place, any enquiries or issues relating to the Project should be directed to the Senior Programs Officer, or other delegated Program Implementation Unit staff in the first instance. Where this is not practicable, any communications between Zone office staff and the LALC is to be recorded and communicated in writing to the Senior Programs Officer, or other delegated Program Implementation Unit staff.

APPLICATIONS FOR A GRANT

- 38.** Applications for a grant from the Fund will be in two stages;

Stage 1 – Expression of Interest (EOI)

Eligible LALCs can submit an EOI identifying a potential community development project which is consistent with the NCF Policy and the LALCs Community Land & Business Plan (**CLBP**). The Senior Programs Officer or other delegated Programs Implementation Unit staff, will engage with the LALC to better understand the aspirations of the LALC and assist in the development of the LALCs Project Proposal.

Stage 2 – Project Proposal Development

The Senior Programs Officer, or other delegated Program Implementation Unit staff, will work with LALCs to develop their Project Proposal, including but not limited to

- Project planning including identifying outcomes to be achieved and setting key milestones and timeframes to achieve the desired outcomes.
- Early identification of any legislative or planning requirements necessary to achieve project deliverables.
- Budget planning including liaison with contractors and suppliers where necessary. In developing the budget, LALCs will need to seek quotes for works necessary to achieve milestones. Any works quoted above \$30,000 will require three (3) quotes to ensure value for money.
- Reporting methods tailored to the scope of the project and funding amount sought. Where necessary, NSWALC will consider the capacity of the LALC in determining the reporting arrangements required for the Project.
- Capacity development options for LALC staff relating to the delivery of the Project may be included in the Project deliverables and budget. This will be discussed with the LALC, however decisions to include may be a condition of funding and will be at NSWALC's discretion.
- Other administrative options as discussed with the LALC, however decisions to include may be a condition of funding and will be at NSWALC's discretion.

39. Completed LALC Project Proposal will then be prepared for assessment by the Assessment Panel.

ASSESSMENT OF PROJECT PROPOSALS

40. All eligible applications seeking a grant from the Fund will be assessed on merit by an Assessment Panel. The Panel should, at a minimum, have three (3) members consisting of Senior Aboriginal staff of NSWALC and, where possible, an independent external Aboriginal person.

41. In accordance with the Policy, NSWALC will consider the following:

- a. The community development outcomes of the proposed use of funds;
- b. Consistency with the LALC's CLBP;
- c. Whether funding is adequately available from other sources;
- d. That the funding amount sought is justified in terms of the proposal;
- e. Whether the applicant LALC has received funding from the NCF in any of the previous three years; and
- f. The disadvantage of the applicant LALC in terms of the value of net land assets relative to other eligible applicant LALCs.

Following this assessment, the Assessment Panel will provide advice to the Council of NSWALC on whether Project Proposals are recommended or not recommended.

DECISION MAKING

42. The Senior Programs Officer, or other delegated Program Implementation Unit staff, are to prepare a submission to the Council of NSWALC providing advice on recommended and not recommended Project Proposals. The submission should include the following;

- Relevant legislation and policies including the ALRA and NSWALC Community Fund Policy.

- Summary of Project Proposals.
- 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 Project Proposals.
 - Any limitations or gaps in the information that was available.
 - Any matters which may not have been examined on which the administration or the Assessment Panel was unable to form a view.
 - Any risks these may give rise to.
- Total funds requested and total funds available.
- Each eligible Project Proposal assessed by the Assessment Panel, put before Council should consider the following;
 - How they meet, or do not meet the objectives of the NCF Policy.
 - The merits of each Project Proposal.
 - For recommended Project Proposals, the amount of funding recommended, and any recommended conditions of funding.
- Projects not recommended for funding and the reason for this decision.

43. The Council of NSWALC should make their decision based on the parameters set out in the Policy and, any new information that the Council may be considering, and the manner in which it is to be taken into account, is to be documented.

44. The decisions of the Council of NSWALC are to be recorded and any variance to the recommendations of the Assessment Panel provided in the submission must be documented with reasons.

45. The decisions of the Council of NSWALC is final.

ADVISING APPLICANTS OF NSWALC'S DECISION

46. As soon as practicable after the Council decision, the Senior Programs Officer or other delegated Program Implementation Unit staff, should prepare correspondence to be signed by the Executive Director, Network Delivery;

- a. **Successful LALC Project Proposals** outlining the next steps. This may include any additional information required from LALCs to progress and/or execute the Funding Agreement, any conditions that need to be met, and any timeframes for LALCs to provide this information. LALCs are to be provided with 30 days to return any additional information requested to NSWALC.
- b. **Unsuccessful LALC Project Proposals** outlining reasons. A summary of constructive feedback based on the documented comments of the Assessment Panel and the NSWALC Council should be provided where appropriate.

47. Unsuccessful LALCs are not precluded from submitting another EOI for the financial year they have been deemed eligible.

48. Zone Directors are to be informed of the outcome of the assessment and decision of any Project Proposals within their regions.

FUNDING AGREEMENTS

49. Successful LALCs will be required to enter into a Funding Agreement with NSWALC. The Funding Agreement contains;
- **Standard terms** and conditions common to all grant recipient such as;
 - Administration of Agreement.
 - Management of the Grant.
 - Disputes and Termination.
 - **Project specific terms** and conditions such as;
 - Total funding approved for the delivery of the Project.
 - What purpose/s funding is provided for, and the project deliverables.
 - How and when funding will be provided including timeframes, payment instalments, milestones and reporting. Grant payments by way of instalment will be considered in accordance with the funding amount, size of project, and capacity of the LALC.
 - Reporting requirements of the LALC.
 - Any other special conditions.
50. NSWALC will ensure, as far as practicable, that Funding Agreements and the administration of the requirements contained within them;
- a. Are fair and consistent.
 - b. Are flexible enough to suit the needs of the LALC, noting that the Policy is aimed at assisting disadvantaged LALCs with limited resources.
 - c. Facilitate success of the project to deliver community development outcomes.
 - d. Promote efficient use of NSWALC resources, including staff time; and
 - e. Promote a productive working relationship with LALCs to facilitate monitoring progress of the project, identification and management of risk and evaluation of the Project.
51. Two hard copy Funding Agreements are to be sent to successful LALCs as soon as practicable following Council's approval and receipt of any additional information which has been requested to progress the Funding Agreement.
52. LALCs are to be provided with 30 days to sign the funding agreement and return it to NSWALC for execution by the CEO of NSWALC.
53. The Funding Agreement takes effect on the date it is executed by the approved delegate of NSWALC.
54. Once a LALC's Funding Agreement has been executed by NSWALC, one copy of the Funding Agreement is to be sent to the LALC and the other retained on file by NSWALC.

DURATION OF PROJECTS

55. **Approved projects not exceeding \$50,000**, the Project should be completed within 12 months of the execution of the Funding Agreement.
56. **Approved projects exceeding \$50,000**, should be completed within 24 months of the execution of the Funding Agreement.

ADMINISTERING APPROVED PROJECTS

57. Unless otherwise identified in this Policy and Procedures document, all communications and advice to LALCs in relation to the ongoing administration of the approved Project Proposal and Funding Agreement, is to be undertaken by the Senior Programs Officer, or other delegated Program Implementation Unit staff with approval of the Manager, Program Implementation Unit where necessary.
58. Zone Directors are to be informed when Funding Agreements have been sent to LALCs and the key dates for return to NSWALC.
59. Following execution of the LALC's Funding Agreement by NSWALC, an email notifying the LALC should be sent with all reporting templates relevant to the LALC's project. The email should also provide advice to assist the LALC with referencing their Funding Agreement, how to use any template documents provided and key dates to be aware of. Zone Directors are to be included in this correspondence.
60. Administration of the Project is to be completed in accordance with the agreed terms set out in Schedule 2 of the Funding Agreement. Where it becomes necessary to make changes to the agreed terms set out in Schedule 2 of the Funding Agreement, to promote the completion of the Project, the process for seeking an amendment is to be followed.

AMENDMENTS TO SCHEDULE 2 OF THE FUNDING AGREEMENT

61. Where there is a material change to the deliverables or intended community development outcomes, an Amendment to the Funding Agreement will be required. The Senior Programs Officer, or other delegated Program Implementation Unit staff, will liaise with the LALC to prepare an Amendment to the Funding Agreement.
62. Amendments to Funding Agreements that are considered to be a **major amendment**, that is; extensions to the project completion date greater than six (6) months beyond the project completion date within the Funding Agreement or; changes to the outcomes identified in the Funding Agreement, are to be approved by the CEO.
63. Amendments to Funding Agreements that are considered a **minor amendment**, are to be approved by the Manager, Program Implementation or Executive Director, Network Delivery.
64. Changes to timeframes for milestones to be completed are not considered a material change. The LALC should maintain regular communication with the Senior Programs Officer, or other delegated Program Implementation Unit staff, to allow early identification of barriers to completing milestones within the planned timeframes. Assistance to get the project back on course will be provided to the LALC where appropriate.

DISBURSEMENT OF GRANTS & LALC REPORTING

65. Disbursement of grant monies are made in accordance with the Funding Agreement and NSWALC's internal financial procedures.
66. For approved Projects with a value **not exceeding \$50,000**, the grant shall be paid in one instalment. Communications, reporting, evidence and acquittal of funds are to be set out in the Funding Agreement.
67. For approved Projects **exceeding \$50,000**, the grant shall be paid in instalments commensurate with the scope and risks associated with the project, with appropriate milestones and reporting that are to be set out in the Funding Agreement.
68. Grants from the Fund shall not exceed \$150,000 (excluding GST) per LALC per financial year.

69. There is scope for NSWALC to make payments direct to contractors on the LALC's behalf upon individual request.
70. Funds for approved projects with an approved budgeted amount for Capacity Building, as noted within Schedule 2 of the Funding Agreement, will be paid directly to the agreed Registered Training Organisation (RTO) or engaged consultant.
71. Reporting requirements will be commensurate with the scope and risks associated with the project, with consideration given to the capacity of the LALC and will be set out in the Funding Agreement. Methods and corresponding templates for reporting will be provided to LALC's following execution of the Funding Agreement by the NSWALC CEO.
72. Acceptable evidence required to report and acquit grant monies paid by NSWALC is as follows;
 - Invoices from contractors engaged to undertake work
 - Contracts between the LALC and a contractor/consultant outlining the scope of the works, deliverable and agreed costs. Cost exceeding \$30,000, require three (3) quotes before entering an agreement of this nature and should be agreed upon at the Project Proposal development stage.
 - Photographs/video taken before, during and at completion of the Project.

LAPSED FUNDING AGREEMENTS AND ABANDONED PROJECTS

73. The process for dealing with breaches of Funding Agreements, termination or other action will be in accordance with the NCF Procedures and the Funding Agreement. Zone Directors are to be informed when action is to be taken in relation to breaches of Funding Agreement which may progress to termination and/or recovery of funds.
74. In addressing breaches of Funding Agreements, Termination or other action, NSWALC will provide LALCs with a 30-day notice period requesting information necessary to remedy the breach or progress the project to finalisation. Further time can be provided to gather necessary information if the LALC is demonstrating a willingness to work in partnership with NSWALC and is maintaining regular communication with the Senior Programs Officer, or other delegated Program Implementation Unit staff. Zone Directors are to be informed when action is to be taken under these clauses.
75. If the LALC does not attempt to provide information in accordance with the notice, the project will be deemed abandoned and NSWALC may proceed to terminate the Funding Agreement in accordance with the termination clauses of the Funding Agreement and requires the approval of the Executive Director, Network Delivery.

MEDIA & COMMUNICATIONS

76. The Program Implementation Unit will work with the Media & Communications Unit to develop a multifaceted communications strategy which should include;
 - Announcement of Eligibility determination phase.
 - Announcement of EOI round opening through Network Messages and social media posts.
 - Media stories on NSWALC's contribution to the Community Fund.
 - Media coverage of LALC projects
 - Annual Report to LALC network on monies received through the Community Development Levy and Projects delivered through the grants program.

FINANCE

- 77.** The Program Implementation Unit will work with the Finance Unit to regularly report and track project delivery, as well as the cost of administering the Fund.
- 78.** Financial reporting will be generated regularly to support decision making, and ongoing improvements to the Program.

AUTHORITIES AND ACCOUNTABILITIES

- 79.** The Council of NSWALC is to make decisions on the granting of funds from the NSWALC Community Fund.
- 80.** The CEO of NSWALC, or an approved delegate, is responsible for the execution of Funding Agreements and approval of major amendments as determined by these Procedures.
- 81.** The Executive Director Network Delivery, or an approved delegate, is responsible for authorising communications with LALCs in relation to the eligibility phase, draft Funding Agreements, Lapsed and Abandoned Projects requiring action under the termination clause in the Funding Agreement and, any other procedural steps as determined by these Procedures.
- 82.** The Manager, Program Implementation is responsible for all other elements of the NCF Grants Program Policy and Procedures, including minor amendments to the Funding Agreements.
- 83.** The Senior Programs Officer, or other delegated staff of the Program Implementation Unit, is responsible for working with LALCs throughout the development of Project Proposals and the ongoing administration of Funding Agreement for approved projects.
- 84.** The Manager Program Implementation Unit and Senior Programs Officer are to work with the following NSWALC business units for the ongoing delivery of all aspects of the NCF Grants Program;
 - Legal Services Unit in relation to Funding Agreements.
 - Zone Offices in relation to LALC liaison and ongoing administration of Funding Agreements.
 - Media & Communications Unit in relation to the development of the media and communications strategy.
 - Finance Unit in relation to the Community Development Levy, financial requirements, reporting and payments of grants.

COMPLAINTS

- 85.** The NCF Policy, NCF Grants Program Policy & Procedures do not provide an opportunity for LALCs who may be unsatisfied with the decision of NSWALC regarding their application to seek a review of NSWALC's decision. The Council decision is final.
- 86.** As outlined in Part 10 of the ALRA, all NSWALC staff and Councillors are required to act with honesty, care and diligence at all times and any conflicts of interest are required to be disclosed. NSWALC staff and Councillors are also required to act in accordance with the NSWALC Code of Conduct. The ALRA and NSWALC Policy outline complaint and disciplinary measures where staff and Councillors have not acted in accordance with the ALRA, Code of Conduct or any other relevant policies.
- 87.** For matters, excluding seeking a review of Councils decision in relation to a LALC's application, an established complaints mechanism is in place. More information about complaints can be accessed on the NSWALC website at:

http://www.alc.org.au/media/80062/complaints%20guide_final.pdf

REVIEW AND EVALUATION

- 88.** The inaugural NCF Grants Program commenced in 2015 and a review was undertaken during 2019.
- 89.** The amended NCF Policy was gazetted in 2020 and the NCF Grants Program will open in the 2020/21 Financial Year.
- 90.** Subsequent review of the program should be undertaken every 3-5 years or when priorities change.

TRANSITIONAL ARRANGEMENTS

- 91.** Projects approved in funding rounds prior to 2020, will be administered according to the NSWALC Community Fund Policy & Procedures in place at the time and Funding Agreements in place.
- 92.** The process for dealing with breaches of Funding Agreements, termination or other action will be in accordance with the NSWALC Community Fund Policy & Procedures in place at the time and the Funding Agreement in place. Zone Directors are to be informed when action is to be taken in relation to breaches of Funding Agreement which may progress to termination and/or recovery of funds.
- 93.** In addressing breaches of Funding Agreements, termination or other action, NSWALC will provide LALCs with a 30-day notice period requesting information necessary to remedy the breach or progress the project to finalisation. Further time can be provided to gather necessary information if the LALC is demonstrating a willingness to work in partnership with NSWALC and is maintaining regular communication with the Senior Programs Officer, or other delegated Program Implementation Unit staff. Zone Directors are to be informed when action is to be taken under these clauses.
- 94.** If the LALC does not attempt to provide information in accordance with the notice, the project will be deemed abandoned and NSWALC may proceed to terminate the Funding Agreement in accordance with the termination clauses in the Funding Agreement and require approval of the Executive Director, Network Delivery.

Annexure 1 – NCF Policy

Annexure 2 – LALC Land & Building Asset Value TEMPLATE

ABBREVIATIONS & DEFINITIONS

For the purposes of these Procedures, the following abbreviations and definitions apply;

ALRA	<i>Aboriginal Land Rights Act 1983</i>
CDL	Community Development Levy
CEDO	Community Economic Development Officer
CLBP	Community Land & Business Plan
Dutiable Transaction	Community Development Levy applies to dutiable transactions provided at Section 42R(2) of ALRA.
EOI	Expression of Interest
FY	Financial Year
LALC	Local Aboriginal Land Council
LPU	Land & Property Unit
LSU	Legal Services Unit
M&C	Media & Communications
NCF	NSWALC Community Fund
NSWALC	NSW Aboriginal Land Council
OCE	Office of the Chief Executive
OM	Operational Manager - Zones
PIU	Program Implementation Unit
SPO	Senior Programs Officer
ZD	Zone Director