



Native Title Officer Funding Scheme

Information sheet

March 2019

This document provides additional information on the Native Title Officer Funding Scheme and is to be read in conjunction with the *Native Title (Assistance from Attorney-General) Guidelines 2012*. It includes specific guidance for applicants seeking funding under the scheme, including information on funding rounds, eligibility and assessment criteria and grant decision timeframes.

The Native Title Officer Funding Scheme

The aim of the Native Title Officer Funding Scheme (NTO scheme) is to help facilitate efficient and effective resolution of native title claims.

Native title officers work with individuals and organisations who are respondents to native title litigation. Native title officers educate members of peak bodies or organisations about native title issues, facilitate grouping of respondents in claim areas and coordinate instructions to legal representatives.

To be eligible for grant funding, applicants must be peak industry bodies or other organisations that employ, or are seeking to employ, native title officers to assist respondents in the resolution of native title claims.

The grant will be a contribution by the Commonwealth towards the payment of expenses associated with employing a native title officer. Native title officers may be engaged on a full-time or part-time basis and their role may form part of a larger role within the organisation.

Guidelines

The NTO scheme is administered under the *Native Title (Assistance from Attorney-General) Guidelines 2012*.

Opening and closing dates

NTO scheme grants are for a 12 month period, and are from 1 July to 30 June.

The 2019-20 grant round will open on 1 April 2019 and close on 30 April 2019.

How to apply

Funding under the scheme is administered through an open, competitive, merit-based selection process. Applicants will be required to submit a formal application during the grant round opening period.

Application forms are available on the GrantConnect website – www.grants.gov.au

Completed applications are to be emailed to finass@ag.gov.au. Hard copy applications will also be accepted.

Hard copy applications can be mailed to:

Director, Financial Assistance Section
Legal Assistance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

To be complete, applications must address all selection criteria. Incomplete applications will not be assessed. Applications received after the closing date will not be assessed.

Questions during the application process

If you have any questions during the application period, please contact the financial assistance section on 1800 117 995, or email finass@ag.gov.au. The department will respond to emailed questions within two working days.

Eligibility

To be eligible for grant funding, applicants must be peak industry bodies or other organisations that employ, or are seeking to employ, native title officers to assist respondents in the resolution of native title claims.

Applications will not be accepted from individuals (including consultants), law firms, sole practitioners or consulting firms.

Assessment criteria

In addition to considering eligibility, applications for grants will be assessed against the following assessment criteria:

- (a) In relation to respondents for whose benefit assistance is sought by the applicant, the nature of the respondents' interests and rights, having regard to considerations such as:
 - The sector that the applicant represents (for example pastoralists, commercial fishers, local governments, miners etc).
 - The likely benefit to such respondents in participating in a relevant native title proceeding.
 - The native title issues that such respondents are likely to face in the relevant native title proceeding.
 - Whether the interests of such respondents are likely to be adversely affected in a real and significant way if a native title claim is recognised, or whether those interests are capable of being protected under the Act by another party to the relevant native title proceeding, relative to other applications for assistance.
- (b) If the applicant has received assistance under the Native Title Officer Funding Scheme or other governmental monetary assistance – its record of compliance with any terms and conditions on which that assistance was provided.
- (c) The applicant's ability to match the assistance provided by the Commonwealth.
- (d) Whether authorising the provision of assistance represents value for money and is reasonable in all the circumstances – consideration will be given to the number of respondents likely to benefit from the engagement of the native title officer and the number and scope of current claims the respondents are actively involved in.

The decision maker will give equal weight to each matter.

Limits on funding usage

Funding is not provided for:

- retrospective costs
- non-native title officer work
- administrative expenses, including the ongoing or running costs of an organisation—for example, general operation, secretariat or support expenses
- costs incurred in dealing with the department in relation to the application or grant, or
- costs incurred in relation to activities which are already funded, or significantly funded by the Commonwealth.

Interests for which assistance is not to be granted

Funding under the scheme will not be provided to applicants if the respondent's interests to be assisted by the native title officer:

- are previous exclusive possession acts
- have extinguished native title according to law
- are low impact future acts
- are Scheduled interests
- relate to connection or other anthropological issues, or
- relate to compensation.

Grant funding limits

A total of \$200 000 is available per year under the NTO scheme. Grants may be approved to a maximum of \$50 000 per organisation per year. As such, a minimum of four grants may be made per year (provided there are at least four suitable applicants). The department may determine that a greater number of smaller grants are offered (for example, eight grants of \$25 000), depending upon the number and relative merits of grant applications received.

Co-contribution

The grant will be a contribution by the Commonwealth towards the payment of expenses associated with employing a native title officer.

Native title officer grants must be matched on at least a dollar-for-dollar basis by the successful grant recipient. For example, if a \$25 000 grant is made, the grant recipient must also contribute at least \$25 000 towards the cost of employing the native title officer. Co-contribution may be demonstrated by evidence of the salary for the position for the year, the number of days the native title officer will work per week and the information contained within the native title officer's duty statement.

In exceptional circumstances, the department may consider non-monetary contributions. An example of an exceptional circumstance is where a grant applicant ranks highly on all other selection criteria, but has insufficient funds to match the department's contribution. Evidence, such as annual financial statements, will be required in these circumstances. Examples of non-monetary contributions that may be made by applicant organisations may include funding the travel costs of the native title officer, covering the costs of office space, or funding additional native title officers.

Assessment process

Complete applications will be assessed by a selection panel appointed by the department. The panel will comprise of departmental officers with native title and/or grants expertise, who do not have potential, actual

or perceived conflicts of interest with grant applicants or identified personnel named in the applications. Panel members will give completed applications a score between one and 10 for each assessment criteria, with scores between five and 10 representing varying degrees of suitability. Scores between one and four represent varying degrees of unsuitability.

Notification of application outcomes

Grant applicants will be notified of the outcome of the selection process in writing. Feedback will be available on request.

Funding Agreement

If an applicant receives a grant offer, it must enter into a funding agreement with the Commonwealth in order to accept the grant. The funding agreement will outline the obligations, terms and conditions of funding, service delivery standards, accountability and reporting requirements for the department and grant recipient. The funding agreement will also include a payment schedule. Grant funding will generally be paid six monthly.

If, after an agreement has been entered into, a grant recipient wishes to request a variation to their funding agreement, this may be done in accordance with the agreement.

Grant applicants should not make financial commitments in expectation of receiving funding until the funding agreement has been executed by both parties.

Performance management and monitoring framework

Once an agreement has been entered into, grant recipients must provide a performance report on their progress against the achievements of agreed milestones, as set out in the funding agreement. The content and timing of reports will be specified in the funding agreement. Generally, the report will be required at the mid-point and at the end of the grant period. A template is available on the department's website.

In relation to each funded activity, the department will assess:

- achievement of key milestones and grant objectives
- whether funds were spent in accordance with the funding purposes
- whether the activity achieved expected outcomes (as detailed in the funding agreement), and
- whether the grant recipient has made the requisite co-contributions.

Grant recipients are required to provide the department with financial acquittals demonstrating that they have spent the Commonwealth funding in accordance with the purpose detailed in the funding agreement.

Grants reporting

If a grant applicant is successful in obtaining a grant, the department is required to publish information about the grant no later than 14 working days after the relevant grant takes effect. The department will publish this information on the Grants Connect Website www.grants.gov.au.

Taxation

Grant payments will be exclusive of Goods and Services Tax (GST). The department does not provide advice on whether organisations are required to pay GST or how organisations pay GST. If such advice is required, grant applicants are advised to seek advice from a qualified professional or the Australian Taxation Officer www.ato.gov.au. The department will report details of all grant payments to the Australian Taxation Office.

Probity

The Australian Government will make sure that the program process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the Commonwealth Grant Rules and Guidelines 2017.

Conflicts of interest

Departmental officers involved in the administration of the funding round, assessment of applications and management of the NTO scheme are required to declare whether they have a potential, actual or perceived conflict of interest, which may affect their ability to objectively assess applications. Officers are required to abstain from any decision where a conflict of interest is identified. A conflict of interest includes:

- any personal financial interest, or those of immediate relatives, in the acquisition of funding under the NTO scheme
- any personal bias, obligation, interest or loyalty that affects decision-making in relation to applicants for funding under the scheme.

Privacy

Personal information collected by the department is protected by the *Privacy Act 1988* (Cth). The department collects personal information to carry out its functions properly and efficiently, and only uses personal information for the purposes for which it was given to the department and for directly related purposes (unless otherwise required by, or authorised under, law).

Freedom of information

All documents in the possession of the Australian Government, including those about the Programme, are subject to the *Freedom of Information Act 1982* (Cth) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. 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: Director
 Freedom of Information and Parliamentary Section
 Strategy and Delivery Division
 Attorney-General's Department
 3–5 National Circuit
 BARTON ACT 2600

By email: foi@ag.gov.au

Further information can be found on the department's website.¹

¹ <https://www.ag.gov.au/RightsAndProtections/FOI/Pages/default.aspx>

Feedback mechanism

The department regards compliments and complaints as a way of both assessing and improving our performance. The department will endeavour, where possible, to ensure that complaints are resolved promptly, fairly, confidentially and to the satisfaction of the complainant. The department will also use complaints to improve internal processes and procedures.

Compliments and complaints regarding an application process or scheme should be made in writing to:

Assistant Secretary
Legal Assistance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

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

The Commonwealth Ombudsman can be contacted on:

Phone (Toll free): 1300 362 072
Email: ombudsman@ombudsman.gov.au
Website: www.ombudsman.gov.au