**Aboriginal Affairs nSW**

**2022 Community Local Infrastructure Recovery Package –**

**Aboriginal Priority Needs**

**Program**

**Operational Guidelines**

|  |  |  |
| --- | --- | --- |
|  | **Applications Open** | **Applications Close** |
| *Stream 1* | Friday 14 October 2022 | 5pm Friday 2 December 2022 |
| *Stream 2* | Friday 14 October 2022 | 2pm Friday 11 November 2022 |
| *Stream 3* | Friday 14 October 2022 | 5pm Friday 9 December 2022(or earlier if fully allocated) |

**Eligible organisations will be formally invited to apply.**

# Background

The record-breaking flooding that occurred in parts of NSW in February–March 2022 had a significant impact on communities.

Funding of $150 million was approved for a 2022 Community Local Infrastructure Recovery Package (CLIRP) (the Package) jointly funded by the Commonwealth and NSW governments under the Disaster Recovery Funding Arrangements (DRFA).

The CLIRP will be delivered in two stages: The Priority Needs Program (PNP) and the Essential Community Assets Program (ECAP).

The PNP will provide funding to assist with the repair, reconstruction and minor resilience building measures for Aboriginal community infrastructure. In addition, applicants may apply for funds to undertake damage assessments and planning and design work that may be necessary to participate in the second stage of the CLIRP (ECAP).

The $30 million Priority Needs Program will be delivered in community-specific streams as follows:

* $6 million Aboriginal Priority Needs Program
* $12 million Arts and Culture Priority Needs Program
* $12 million Sports Priority Needs Program.

**These guidelines detail the eligibility and process to access grant funding for the Aboriginal Priority Needs Program (the Program).**

# Impact on the Aboriginal Community

Aboriginal Affairs NSW (AANSW) and Regional NSW (DRNSW) have assessed the direct damage of the severe weather and flooding in NSW from 22 February 2022 onwards. This has been supported by direct engagement through state and regional recovery subcommittees, sector working groups and through direct consultation with community and representative organisations.

Aboriginal communities were significantly impacted by the storms and flooding in February–March 2022. The damaged community infrastructure will likely take many years to repair and rebuild. Damaged community infrastructure has impacted on Aboriginal people being able to access important facilities and services in their local communities that enable communities to recover as fast as possible and encourage community wellbeing.

The funding provided under the Program has been designed to complement existing support measures in place and longer-term community infrastructure recovery programs. The funding will support community wellbeing Aboriginal communities’ ability to rebuild and recover as quickly as possible.

# Program Outcomes

**The 2022 Community Local Infrastructure Recovery Package – Aboriginal Priority Needs Program aims to:**

* be informed and co-designed with and by communities to reflect the needs of impacted communities and reduce the burden on applicants
* incorporate a range of support measures to allow flexibility for applicants and reflect community-specific capability and capacity
* be based on evidence of impact to essential community assets to provide targeted support
* be designed and delivered with a focus on supporting asset repair, rebuild and/or projects that include a focus on supporting future resilience.

# Program overview

**The 2022 Community Local Infrastructure Recovery Package – Aboriginal Priority Needs Program** provides funding to support Local Aboriginal Land Councils responding to the immediate and long-term recovery needs of Aboriginal communities most affected by the February – March 2022 floods.

It is a closed round grant program where eligible applicants are invited to apply (see eligibility information below at Eligible Applicants (Who can apply for funding?)).

AANSW has been allocated $6 million for the 2022 Community Local Infrastructure Recovery Package – Aboriginal Priority Needs Program.

**The program has three streams of funding:**

**Stream 1: Local Aboriginal Land Councils – Asset Damage Assessment (ADA) and Urgent Minor Infrastructure**

Eligible Local Aboriginal Land Councils will be invited to submit an application for funding up to $150,000 to:

* undertake an Asset Damage Assessment (ADA) on LALC-owned community infrastructure and/or
* undertake any minor, high-priority infrastructure/capital works projects that are urgent or have high social value, and any planning for longer-term infrastructure works that are expected to be considered as part of the Essential Community Assets Program.

A total of $2.55 million will be allocated to stream 1. Any unallocated funding from this stream will be made available under stream 3.

**Stream 2: NSW Local Aboriginal Land Council – Sector Capacity Support**

The NSWALC will be invited to apply for funding up to $450,000 to provide capacity support to eligible Local Aboriginal Land Councils to:

* deliver projects funded under streams 1 and 3 of this program
* prepare for applications being submitted under the Essential Community Asset Program.

A total of $450,000 will be allocated to stream 2.

**Stream 3: Local Aboriginal Land Councils – Priority Capital and Infrastructure Works**

Eligible Local Aboriginal Land Councils will be invited to submit proposals for funding to address priority capital and infrastructure works identified through the ADA.

A total of $3 million will be allocated to stream 3. Any unallocated funding from streams 1 and 2 will be made available under this stream.

Applications will be assessed on an as received basis. If funding is fully awarded, Stream 3 may close early.

# Program dates and timeline

Applications will be accepted during the following periods:

|  |  |  |
| --- | --- | --- |
|  | **Applications Open** | **Applications Close** |
| Stream 1 | Friday 14 October 2022 | 5pm Friday 2 December 2022 |
| Stream 2 | Friday 14 October 2022 | 2pm Friday 11 November 2022 |
| Stream 3 | Friday 14 October 2022 | 5pm Friday 9 December 2022(or earlier if fully allocated) |

Applicants will be notified of the outcome of their application approximately four weeks after they submit their application.

Projects are to commence within six months of approval.

Applications are to be completed online at <https://aboriginalaffairs.smartygrants.com.au/>.

**PROGRAM TIMELINE**

|  |  |
| --- | --- |
| **Program open** | **Friday 14 October 2022** |
| LALC support available | From Friday 14 October 2022 |
| Proposals assessed | Within 2 weeks of submission  |
| Assessment notification | Within four weeks of submission |
| Eligible activities/project commence | Within 6 months of approval  |
| Final expenditure due | 31 May 2024 |

# Eligible Applicants (Who can apply for funding?)

* NSW Aboriginal Land Council
* Local Aboriginal Land Councils under the *Aboriginal Land Rights Act 1983* (NSW) who are located within one of the eight targeted Local Government Areas. The eight targeted Local Government Areas are Ballina, Byron, Clarence Valley, Hawkesbury, Kyogle, Lismore and Richmond Valley Tweed

Applicants must have public liability insurance of at least $10 million per claim.

All applications will be screened for eligibility. It is intended that eligible applications will then be assessed within four weeks of submission.

Eligible Local Aboriginal Land Councils that have not met project requirements, including acquittal and reporting requirements, for any grant funding received from Aboriginal Affairs NSW in the previous two years will be required to partner with the NSW Aboriginal Land Council in an auspice arrangement.

# Eligible Projects (What CAN BE FUNDED?)

Funding can be used for projects that meet the program outcomes of the 2022 Community Local Infrastructure Recovery Program.

**Stream 1: Local Aboriginal Land Councils – Asset Damage Assessment (ADA) and Urgent Minor Infrastructure**

Funding **can** be used for:

* detailed asset and damage assessments, feasibility studies, detailed design and technical reports, and planning for and preparation of business cases to support repair, reconstruction and potential minor resilience works of damaged assets
* urgent minor capital works costs for the repair and/or replacement of Aboriginal community infrastructure, including works to make the damaged infrastructure more resilient to future disasters without changing the asset functionality. Works must be directly related to flood damaged assets that have not been covered through other government funding and/or insurance claims
* minor non-fixed items that were impacted during the floods that were not otherwise insured but served a community purpose
* administration and project management costs related to the delivery of eligible projects, and not exceeding 20 per cent of the requested funding
* repair and/or replacement (rebuild) works that have not yet commenced and that are directly related to storm and flood damage.
* salary/wages and entitlements for non-ongoing employees specifically engaged for the projects.

Funding **cannot** be used for:

* costs that have already been covered or claimed under insurance or from other Australian or NSW government programs
* repayment of existing debts or budget deficits
* financing of budget deficits or insurance
* administrative, overhead, operational and/or maintenance costs not related to the project
* improvements or repairs to residences or other community infrastructure where damage was not sustained as a result of the February – March 2022 flood and storm events. Business as usual and/or commercial activities
* salary/wages and on-costs for existing, budgeted employees
* costs related to buying or upgrading non-fixed equipment or supplies unless it is a small component of a larger fixed project
* costs that require recurrent or ongoing funding from the Australian or NSW governments.

**Stream 2: NSW Local Aboriginal Land Council –Sector Capacity Support**

Funding **can** be used for:

* administration and project management costs related to the delivery of eligible projects, and not exceeding 20 per cent of the requested funding
* salary/wages and entitlements for non-ongoing employees specifically engaged for the projects
* projects that specifically support the capacity of Local Aboriginal Land Councils to administer funds provided under stream 1 and stream 3 of this program.

Funding **cannot** be used for:

* administrative, overhead, operational and/or maintenance costs not related to the project
* business as usual and/or commercial activities
* salary/wages and on-costs for existing, budgeted employees.

**Stream 3: Local Aboriginal Land Councils – Priority Capital and Infrastructure Works**

Funding **can** be used for:

* capital works costs for the repair and/or replacement of Aboriginal community infrastructure, including works to make the damaged infrastructure more resilient to future disasters without changing the asset functionality. Works must be directly related to flood damaged assets that have not been covered through other government funding and/or insurance claims
* minor non-fixed items that were impacted during the floods that were not otherwise insured but served a community purpose
* administration and project management costs related to the delivery of eligible projects, and not exceeding 20 per cent of the requested funding
* repair and/or replacement (rebuild) works directly related to storm and flood damage that has not yet commenced
* salary/wages and entitlements for non-ongoing employees specifically engaged for the projects.

Funding **cannot** be used for:

* costs that have already been covered or claimed under insurance or from other Australian or NSW government programs
* repayment of existing debts or budget deficits
* financing of budget deficits or insurance
* administrative, overhead, operational and/or maintenance costs not related to the project
* improvements or repairs to residences or other community infrastructure not directly damaged by the flooding
* business as usual and/or commercial activities
* salary/wages and on-costs for existing, budgeted employees
* costs related to buying or upgrading non-fixed equipment or supplies unless it is a small component of a larger fixed project
* costs that require recurrent or ongoing funding from the Australian or NSW governments
* costs associated with damage not sustained as a result of the February – March 2022 flood and storm events.

Projects will not be eligible for funding if they do not align with the program outcomes.

For streams 1 and 3 see the Frequently Asked Questions (FAQs) for further information on what can and can’t be funded.

# ASSESSMENT AND APPROVAL

This is a non-competitive program, where eligible organisations are invited to apply. Eligible applications are assessed against the assessment criteria for the relevant stream, not competitively against other applications. Only applications that are assessed as sufficiently meeting the assessment criteria will be recommended for funding.

**Assessment Criteria (all streams)**

Applications will be assessed against the following criteria:

* demonstrated consistency with CLIRP-APNP Program Outcomes
* project activities directly related to directly damaged community infrastructure in the 17 LALCs across the targeted 8 LGAs
* capacity of applicant to deliver the proposed project activities
* ability to commence proposed project activities within 6 months of approval.

To ensure consistency with the Program purpose, project activities must demonstrate how they contribute to one or more of the following:

* basic social, cultural, and recreational amenity to local Aboriginal communities
* help support or safeguard community cohesion
* support the delivery of social support networks.

See Frequently Asked Questions (FAQs) for more information on the criteria.

**Assessment and Approval Process**

**Stream 1** applications will be assessed by a panel consisting of delegated representatives from the NSW Aboriginal Land Council and Aboriginal Affairs NSW.

**Stream 2** applications will be assessed by a panel consisting of Aboriginal Affairs NSW staff.

**Stream 3** applications will be assessed by a panel consisting of representatives from the NSWALC, Department of Regional NSW and Aboriginal Affairs NSW.

Note that assessment panel members from the NSW Aboriginal Land Council must not be involved in the preparation of an application for funding under this program, or the delivery, monitoring or reporting against any project funded under this program, including where the NSW Aboriginal Land Council acts as an auspice for a Local Aboriginal Land Council.

All assessment recommendations will be provided in writing to the Minster for Aboriginal Affairs. The Minister for Aboriginal Affairs will take into account the recommendations of the assessment panel and make the final decision.

Unsuccessful applicants may reapply at any time during the program open period.

# Supporting documents

All applicants are required to provide evidence of current Public Liability Insurance with a minimum coverage of $10,000,000. The following is also required:

Stream 1

* quotes and/or technical reports for infrastructure component

Stream 2

* project plan

Stream 3

* quotes and/or technical reports for infrastructure component.

# how to apply

Applications are to be completed online at the [Aboriginal Affairs NSW online grants platform](https://aboriginalaffairs.smartygrants.com.au/).

An Applicant’s Guide and Frequently Asked Questions (FAQs) to assist applicants are available from the [Aboriginal Affairs NSW website.](https://www.aboriginalaffairs.nsw.gov.au/grants)

The applicant will be advised of the outcome of their project application within four weeks of submission.

Unsuccessful applicants will be offered a feedback session if requested.

# OTHER IMPORTANT INFORMATION

**COVID-19 impacts**

Due to the changing impacts of COVID-19 across NSW, projects must be in line with public health orders and NSW Government advice, for example, with regard to social distancing and public gatherings. Up to date information is available [here](https://www.nsw.gov.au/covid-19/what-you-can-and-cant-do-under-rules).

If COVID-19 rules in NSW change during the grants period, Aboriginal Affairs NSW may request further information from you on how you propose to manage COVID-19 risks for your project.

**Funding arrangements and reporting**

Successful applicants will be required to:

* Enter into a Funding Agreement with Aboriginal Affairs NSW within two weeks of the offer being made.
* Start and complete funded activities and events by the dates specified in the Funding Agreement and otherwise comply with the requirements of the Funding Agreement.
* Notify Aboriginal Affairs NSW of any proposed changes to the funded activity and complete a project variation request.
* Acknowledge the support of Aboriginal Affairs NSW in accordance with the Funding Acknowledgement Guidelines.
* Report on outcomes from the activity and acquit the grant within 21 days of project completion. Evidence to support this can be uploaded in SmartyGrants and must include evidence of expenditure (copies of invoices and receipts) as well as photos, media coverage, links to video clips, etc, where relevant. If the acquittal is not completed within the required timeframe, applicants will not be eligible to apply for Aboriginal Affairs NSW Grants for the next two years.

Successful applications including recipient name, funding amount and project location are required to be published on the NSW Governments Grant and Funding Finder at nsw.gov.au/grants-and-funding. Successful applicants may also be included in:

* public media releases
* an announcement on the Aboriginal Affairs NSW website and
* Aboriginal Affairs NSW social media.

Applicants should be aware that information provided to Aboriginal Affairs NSW may be made publicly available under the *Government Information (Public Access) Act 2009* (NSW). Information may also be made publicly available as a result of an order for papers made by the NSW Legislative Council under Standing Order 52.

Before information is released in response to an application under the *Government Information (Public Access) Act 2009* (NSW), there will be an assessment of the public interest considerations in favour of and against disclosure of that information and there may be consultation requirements that apply.

# Aboriginal Cultural or Intellectual Property

Any Aboriginal Cultural or Intellectual Property submitted in an application remains the property of the relevant community organisation or Aboriginal and Torres Strait Islander person and will be dealt with in accordance with the [Aboriginal Cultural and Intellectual Property Protocol](https://www.aboriginalaffairs.nsw.gov.au/our-agency/staying-accountable/aboriginal-cultural-and-intellectual-property-acip-protocol/).

# SUPPORT AND CONTACTS

For any questions regarding the AANSW 2022 Community Local Infrastructure Recovery Package – Aboriginal Priority Needs Program, please contact Community Investments on 1800 019 998 or email grants@aboriginalaffairs.nsw.gov.au.

# Late applications

In exceptional circumstances, applications submitted after the deadline may be accepted at the sole discretion of AANSW and only where AANSW is satisfied that the acceptance of the late application would not compromise the integrity of the process. Exceptional circumstances will be considered on their merits and in accordance with probity principles. If your organisation is affected by exceptional circumstances, contact Aboriginal Affairs NSW to advise of the circumstances as soon as possible and be able to provide detail and evidence of the exceptional circumstance.

# Terms and Conditions

Successful Applicants will be required to enter into a Funding Agreement with AANSW prior to receiving funds. The NSW Government makes no binding funding commitment to an Applicant unless and until both parties sign a Funding Agreement.

Successful Applicants should note the following conditions:

* Applicants are required to participate in any evaluation of the Program after the activity has commenced to determine the extent to which the activity has contributed to the objectives of the Program.
* The Australian and NSW governments may choose to publicly announce successful proposals and Applicants may be requested to keep the funding confidential for a period of time if an announcement is to be made by the Australian and NSW governments.
* If successful, the Australian and NSW governments reserve the right to use the Applicant’s information in media regarding the Program. Information may be used in the form of press releases, case studies, promotional material and in response to media enquires relevant to the Program.
* Successful Applicants would be required to submit progress reports and auditing documentation to the Australian and NSW Governments as outlined in the Funding Agreement.
* Payment milestones will be set out in the Funding Agreement.
* Requests for variations or changes to the Funding Agreement will only be considered in limited circumstances and where the proposed variations or changes align with the Program objectives and these Guidelines. Variations or changes will only be considered at the sole discretion of AANSW.
* AANSW reserves the right to undertake an audit of any funding provided within seven years. Applicants are required to keep appropriate records for audit and assurance purposes.

# Public Acknowledgement

Under the DRFA, all projects under the Program must appropriately acknowledge and recognise that they are jointly funded by the Australian and NSW governments under the DRFA. The announcement of assistance must be done jointly by the Australian and NSW governments, unless otherwise agreed.

Prior agreement must be reached with the NSW and Australian Governments on the nature and content of any subsequent events, announcements, promotional material or publicity relating to DRFA assistance measures. This includes but is not limited to media releases, events, social media, signage and advertising. To obtain the required agreement, grant recipients must contact AANSW at grants@aboriginalaffairs.nsw.gov.au, and the AANSW will in turn liaise with DRNSW / Resilience NSW and Australian Government representatives regarding the events, announcements, promotional material or publicity.

Publications must include both the Australian and NSW governments’ logos and the following disclaimer: ‘Although funding for this product has been provided by both the Australian and NSW governments, the material contained herein does not necessarily represent the views of either government’. AANSW will identify and inform Resilience NSW and the Australian Government of media opportunities.

# Government Information (Public Access) Act

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the *Government Information (Public Access) Act 2009* (NSW). Information that is deemed to be commercially sensitive will be withheld. The *Government Information (Public Access) Act 2009* (NSW) makes government information accessible to the public by:

* requiring government agencies to make certain sorts of information freely available
* encouraging government agencies to release as much other information as possible
* giving the public an enforceable right to make access applications for government information
* restricting access to information only when there is an overriding public interest against disclosure.

# Complaints

Any concerns about the Program should be submitted in writing to grants@aboriginalaffairs.nsw.gov.au.

If you do not agree with the way the AANSW has handled the issue, you may wish to contact the NSW Ombudsman via [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au/).

# **Disclaimer**

AANSW does not guarantee or warrant and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of any material contained in this publication. Information in this publication is provided as general information only and is not intended as a substitute for advice from a qualified professional.

AANSW recommends that users exercise care and use their own skill and judgment in using information from this publication and that users carefully evaluate the accuracy, currency, completeness, and relevance of such information. Users should take steps to independently verify the information in this publication and, where appropriate, seek professional advice.

Funding assistance provided through the Program is subject to funds being available. AANSW reserves the right to make changes to the Program to ensure it meets the objectives outlined in these guidelines and provides equitable funding support to applicants.

These guidelines are subject to change at any time at the sole discretion of AANSW.