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Australian Government
Department of Home Affairs

Submission

For decision
PDMS Ref. Number: MS23-002442
Date of Clearance: 15/12/2023

To Minister for Immigration, Citizenship and Multicultural Affairs
Subject Protection Visa Legal Assistance Grant Opportunity Guidelines Approval
Timing As discussed with Deputy CoS, by 9 January in order to meet Grants Hub timeframes to open the grant on 22 January 2024.

Recommendations

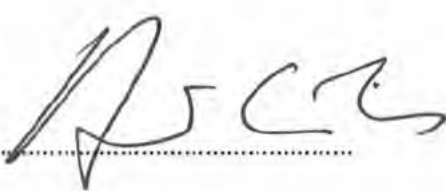
That you:

- 1. **agree** to publish the Protection (subclass 866) Visa Legal Assistance Grant Program Grant Opportunity Guidelines (the Guidelines) at **Attachment A**; and
- 2. **note** that the Department of Home Affairs, Assistant Secretary, Humanitarian and Child Wellbeing Policy and Capability Branch holds the relevant delegation to approve a commitment of money for this grant activity under Section 32B of the *Financial Framework (Supplementary Powers) Act 1997*, and will be the decision maker for this grant opportunity.

agreed / not agreed

noted / please discuss

Minister for Immigration, Citizenship and Multicultural Affairs

Signature..... 

Date: 8/1/24

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Minister's Comments

Key Issues

1. Legal assistance for Protection (subclass 866) visa (Protection visa) applicants is part of the \$160 million package of reforms to address Protection visa integrity and backlogs announced on 5 October 2023. The Department of Home Affairs (the Department) is responsible for administering \$12.3 million of this funding towards providing specialist legal assistance at the primary Protection visa processing stage.
2. This funding will be provided via a closed non-competitive grant selection process (the Grant Program). Under a closed non-competitive grant selection process, specific applicants are invited to submit an application for the grant.
3. Before the grant round can open for applications, your agreement is required to release the Guidelines at **Attachment A**. The Guidelines have been developed in collaboration with the Department of Social Services' Community Grants Hub, and cleared through the Department of Finance and Department of the Prime Minister and Cabinet with a risk rating of low.
 - We are also working closely with the Attorney General's Department (AGD) on the reporting requirements for providers under the grant, to ensure consistency where possible, noting AGD are also delivering funding to legal service providers for assistance at the merits and judicial review stages.
4. The objectives of the Grant Program are to:
 - provide specialist legal assistance at the primary Protection visa processing stage, including advising clients on their prospects and other visa options where relevant; and
 - provide community outreach on the Protection visa program.
5. The intended outcomes of the Grant Program are to:
 - Make free voluntary refugee legal advice more accessible for Protection visa and prospective Protection visa applicants - helping to ensure genuine applicants are supported through the visa application process and reducing the exploitation of vulnerable migrants.
 - Support successful delivery and integrity of the Protection visa program by:
 - supporting Protection visa applicants to articulate claims (resulting in more 'decision-ready' applications that provide all the relevant evidence to support protection claims); and

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- o providing prospective applicants with advice on the requirements for a Protection visa, the implications of applying, and on other visa options which may more appropriately suit their personal circumstances.
6. The Grant Program will run over 18 months from 2023-24 to 2024-25 for a total cost of \$12.3 million, with \$11.98 million, GST exclusive, available for legal providers and \$0.36 million for administrative costs (including Grants Hub and Department of Home Affairs staffing).

Grant Program	2023-24 (\$ million)	2024-25 (\$million)	2025-26 (\$ million)	Total (\$ million)
Legal provider funding	3.994	7.987	-	11.981
Administration costs (Grants Hub and departmental staffing)	0.163	0.201	0.004	0.367
Total	4.157	8.188	0.004	12.349

7. As noted in MS23-002185 (signed by you on 31 October 2023), it is proposed that funding be distributed to not-for-profit legal assistance providers who have built trust with the Government and the community and have demonstrated expertise in providing specialised support to the asylum caseload. The Department proposes funding be distributed based on historical Protection visa lodgement data by state and territory.

State/Territory	Organisation name
Victoria	Refugee Legal
NSW	Refugee Advice and Casework Service ¹
ACT	Legal Aid ACT
QLD	Refugee and Immigration Legal Service
WA	Circle Green
SA	Legal Services Commission South Australia
TAS	Tasmanian Refugee Legal Service
NT	Legal Aid NT

8. Subject to your approval, the grant opportunity is scheduled to open for applications from 22 January 2024 to 5 February 2024. Invited organisations are required to submit an application, which will be assessed by the Department against the assessment criteria at section 6 of the Guidelines. The Assistant Secretary, Humanitarian and Child Wellbeing Policy and Capability Branch will be the decision maker for this grant opportunity and will have responsibility for deciding which grants to approve.

¹ Refugee Advice and Casework Service may subcontract part of their services to Immigration Advice & Rights Centre.

Background

9. Funding for specialist legal assistance will support a healthier asylum system overall by making free voluntary refugee legal advice more accessible for Protection visa applicants, in alignment with United Nations High Commissioner for Refugees (UNHCR) best practice guidance. Specialist legal assistance will support genuine Protection visa applicants to articulate claims, resulting in more 'decision-ready' applications. It will also support the provision of advice to non-meritorious prospective applicants on their prospects, and other more appropriate visa arrangements.
10. On 31 October 2023, you wrote to state and territory ministers responsible for multicultural affairs, informing them of proposed funding arrangements for specialist legal providers in their state/territory (MS23-002185 refers). States and territories have not raised any concerns with the Department.

Consultation – internal/external

11. External: Department of Social Services; Department of Finance; Attorney-General's Department and Department of Prime Minister and Cabinet.
12. Internal: Chief Finance Officer, Chief Procurement Officer.

Consultation – Secretary / Acting Deputy Secretary Immigration

13. The Secretary was not consulted on this submission.
14. The A/g Deputy Secretary Immigration was not consulted on the approach in the submission.

Client service implications

15. If successful, implementation of the Protection visa Legal Assistance Program will assist in reducing Protection visa processing and review timeframes and may help to discourage non-genuine lodgements. This will benefit genuine asylum seekers who lodge Protection visa applications, as they will be provided with certainty about their futures more quickly.

Risks and Sensitivities

16. This Grant Program has been assessed as low risk, based on an overall assessment of policy, legislative and constitutional authority, and assessment of other relevant factors including implementation and administration risks.
17. Providing specialist legal assistance funding for the primary processing stage may draw scrutiny and criticism that it discriminates against Registered Migration Agents. Given the level of expertise of the specialist legal providers, and the need for efficient delivery of funds to support whole of Government Protection visa reform, it is considered appropriate to restrict funding to only those providers and to not engage in a competitive grant round. A competitive grant round would likely result in the same providers being selected, but take much longer. These risks will be managed through strict compliance with the Commonwealth Grant Rules and Guidelines.
18. The Grant Opportunity Guidelines at **Attachment A** note that the funding to support the Grant Program was announced as part of the *Addressing Protection Visa Backlogs Measure of MYEFO 2023–24*.

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19. The Grant Guidelines note that funding is scheduled to be delivered to providers by May 2024. The Department is working with DSS to ensure funding is provided as soon as possible, and subject to meeting milestones early, prior to May 2024. The Department continues to communicate to legal service providers to keep them updated on timeframes for delivery.

Financial/systems/legal/deregulation/media implications

20. Legislative authority for the Grant Program will be provided by amendment to Part 4 of Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997*. The Minister for Finance progressed the amendment (**Attachment B** refers) and it received Royal Assent at the 14 December 2023 Federal Executive Council meeting.

Attachments

Attachment A Protection (subclass 866) Visa Legal Assistance Grant Program Grant Opportunity Guidelines

Attachment B Letter from the Minister for Finance

<p>Authorising Officer</p> <p>Cleared by:</p> <p>Ali Mond A/g First Assistant Secretary Refugee, Humanitarian and Settlement Division</p> <p>Date: 15 December 2023 Mob: s. 22(1)(a)(ii)</p>

Contact Officer: Lavinia Mitchell, A/g Assistant Secretary, Humanitarian and Child Wellbeing Policy and Capability/Refugee, Humanitarian and Settlement Division, Ph: s. 22(1)(a)(ii)

- CC Minister for Home Affairs, Minister for Cyber Security Secretary
- A/g Deputy Secretary Immigration
- Chief Finance Officer
- Group Manager Legal
- AS, Migration and Citizenship Law
- A/g AS, Settlement Program Operations
- AS Humanitarian Operations Branch

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Department of Home Affairs

**Community
 Grants Hub**
 Improving your grant experience



Protection (subclass 866) Visa Legal Assistance Grant Opportunity Guidelines

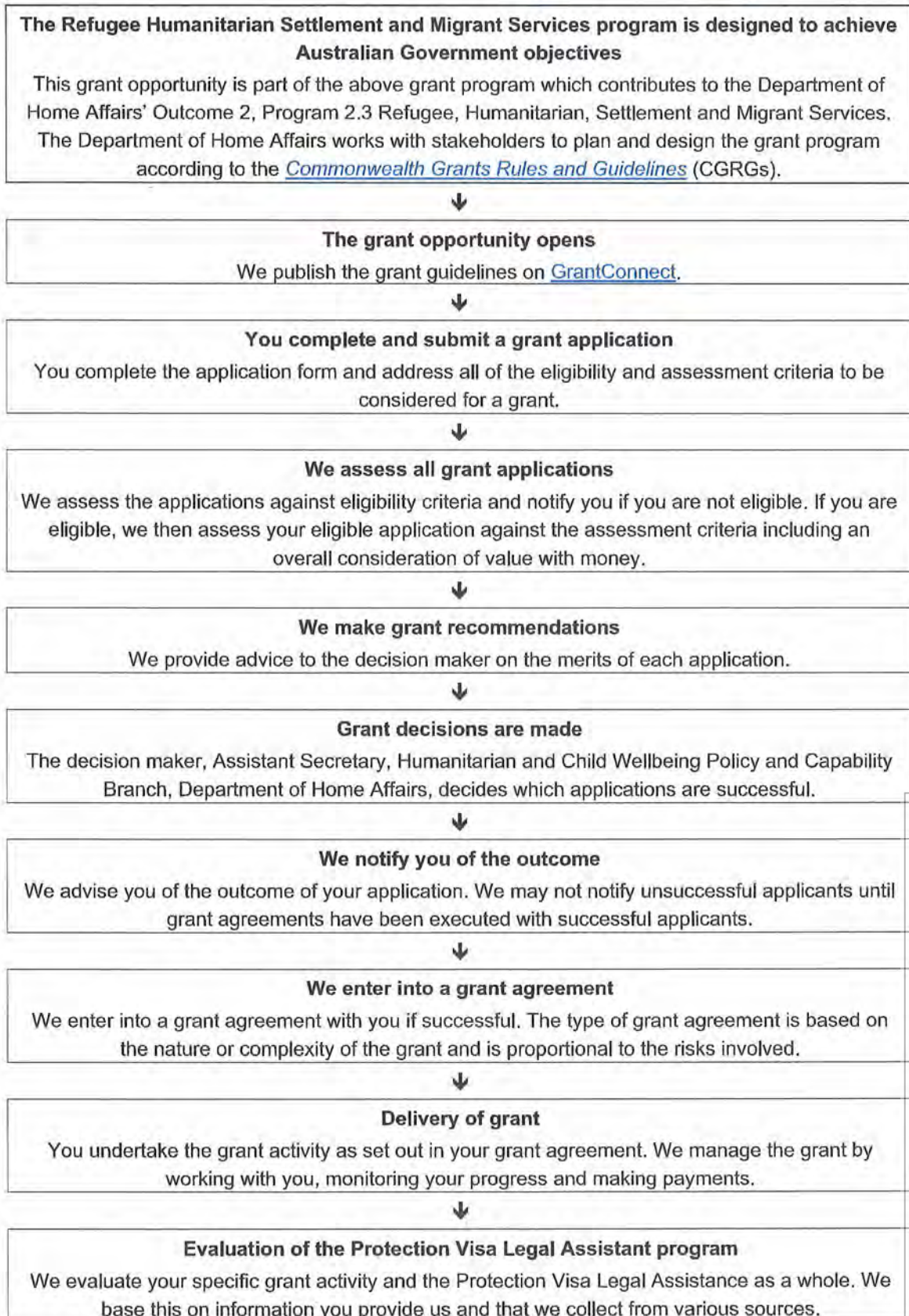
Opening date:	22 January 2024
Closing date and time:	9:00 pm AEDT on 5 February 2024
Commonwealth policy entity:	Department of Home Affairs
Administering entity:	Community Grants Hub
Enquiries:	<p>If you have any questions, contact</p> <p>Community Grants Hub</p> <p>Phone: 1800 020 283 (option 1)</p> <p>Email: support@communitygrants.gov.au</p> <p>Questions should be sent no later than 5:00 pm AEDT on 29 January 2024</p>
Date guidelines released:	22 January 2024
Type of grant opportunity:	Closed non-competitive
Version:	1.0 – 11 December 2023

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1. Refugee, Humanitarian, Settlement and Migrant Services: Protection Visa Legal Assistance processes



1.1 Introduction

These guidelines contain information for the Protection (subclass 866) Visa (Protection visa) Legal Assistance Grant Program (the program).

You must read these guidelines before filling out an application.

This document sets out:

- the purpose of the grant program/grant opportunity
- the eligibility and assessment criteria
- how grant applications are considered and selected
- how grantees are notified and receive grant payments
- how grantees will be monitored and evaluated
- responsibilities and expectations in relation to the opportunity.

This grant opportunity and process will be administered by the Community Grants Hub on behalf of the Department of Home Affairs (the department).

2. About the grant program

The grant program will run over 18 months from 2023–24 to 2024–25. The program was announced as part of the *Addressing Protection Visa Backlogs Measure* of MYEFO 2023–24.

This grant contributes to the achievement of Program 2.3 Refugee, Humanitarian, Settlement and Migrant Services, within Outcome 2 of the Department of Home Affairs Portfolio Budget Statement.

The Community Grants Hub administers the program according to the [Commonwealth Grants Rules and Guidelines 2017](#) (CGRGs).

2.1 About the Protection Visa Legal Assistance program

The objectives of the program are:

- provide specialist legal assistance at the primary Protection visa processing stage including advising clients of the criteria for a Protection visa, their prospects and other visa options where relevant
- provide community outreach on the Protection visa program.

The intended outcomes of the program are:

- make free voluntary refugee legal advice more accessible for Protection visa, and prospective Protection visa, applicants
 - helping to ensure genuine applicants are supported through the visa application process and reducing the exploitation of vulnerable migrants
- support successful delivery and integrity of the Protection visa program by:
 - supporting Protection visa applicants to articulate claims (resulting in more 'decision-ready' applications that provide all the relevant evidence to support protection claims)
 - providing prospective applicants with advice on the requirements for a Protection visa, the implications of applying, and on other visa options which may more appropriately suit their personal circumstances.

3. Grant amount and grant period

3.1 Grants available

The Australian Government has announced that for this grant opportunity, a total of up to \$11.98 million, GST exclusive, is available over 18 months commencing in 2023–24.

The available funds will be shared proportionately based on the demand for service within the State or Territory.

3.2 Protection Visa Legal Assistance period

The maximum grant period is 18 months.

The Department of Home Affairs may approve a further extension provided you meet all reporting milestones and obligations in a timely manner and to a high standard, ensuring the Protection Visa Legal Assistance Grant Program is meeting its intended objectives.

4. Eligibility criteria

This grant opportunity is a closed non-competitive grant selection process. The Department of Home Affairs considers that this is an appropriate type of selection process.

We cannot provide a grant if you receive funding from another government source for the same purpose that is not considered a co-contribution for this grant program.

4.1 Who is eligible to apply for a grant?

To be eligible to receive a grant, you must be one of the listed invited organisations and have received an invitation to apply through GrantConnect.

The list of eligible applicants are as follows:

Invited organisation/s	ABN	Service delivery area	Rationale for invitation
Legal Aid ACT	40 848 011 291	ACT	Refugee law expertise and knowledge in the community legal sector; previously recommended by State and Territory governments for service delivery track record; proven ability to deliver specialist legal services within Commonwealth grant opportunity framework.
Refugee Advice and Casework Service	46 008 173 978	NSW	As above.
Refugee and Immigration Legal Service	69 697 546 949	QLD	As above.
Legal Services Commission of SA	90 731 571 498	SA	As above.
Refugee Legal	94 806 293 897	VIC	As above.
Circle Green Community Legal	53 788 553 148	WA	As above.

Invited organisation/s	ABN	Service delivery area	Rationale for invitation
NT Legal Aid Commission	74 014 891 677	NT	As above.
Tasmanian Refugee Legal Service	27 527 067 308	TAS	As above.

No further organisations will be invited to apply.

4.2 Who is not eligible to apply for a grant?

You are not eligible to apply if you:

- have not received an invitation to apply through GrantConnect and your organisation is not listed as an eligible invited organisation in section 4.1
- are an organisation, or your project partner is an organisation, that is included on the [National Redress Scheme's website](#) on the list of 'Institutions that have not joined or signified their intent to join the Scheme'
- are an organisation, or your project partner is an organisation, that is included on the [Workplace Gender Equality Agency website](#) on the non-compliant list.

4.3 What qualifications, skills or checks are required?

If you are successful, all personnel working on the grant activity must maintain the following:

- Working with Vulnerable People registration
- Working with Children check.

5. What the grant money can be used for

5.1 Eligible grant activities

Eligible activities must directly relate to the program and may include:

- provide specialist legal assistance at primary Protection visa processing stage including:
 - advice on the criteria for a Protection visa, and the likelihood of an applicant meeting that criteria based on the information they have provided
 - advice on other visa options where relevant
 - Protection visa application assistance should applicants wish to proceed, including assisting with provision of documentation and articulation of claims
- provide community outreach on the Protection visa program for example, awareness raising information sessions on Australia's Protection visa program and the criteria for a Protection visa
- interpreting services.

5.2 Eligible expenditure

You can only spend the grant on eligible expenditure you have incurred on eligible grant activities as listed at section 5.1.

We may update the guidelines on eligible and ineligible expenditure from time to time. If your application is successful, the version in place when you submitted your application applies to your grant activity.

If your application is successful, we may ask you to verify project costs that you provided in your application. You may need to provide evidence such as quotes for major costs.

Not all expenditure on your grant activity may be eligible for grant funding. The decision maker makes the final decision on what is eligible expenditure.

5.3 What the grant money cannot be used for

You cannot use the grant for the following activities:

- legal assistance for Protection visa applicants on matters relating to merits or judicial review of a primary refusal
- purchase of land
- major capital expenditure
- the covering of retrospective costs
- costs incurred in the preparation of a grant application or related documentation
- subsidy of general ongoing administration of an organisation such as electricity, phone and rent
- major construction/capital works
- overseas travel
- activities for which other Commonwealth, state, territory or local government bodies have primary responsibility.

6. The assessment criteria

You must address all of the following assessment criteria in the application.

All the assessment criteria are equally weighted.

The application form includes character limits – up to 4,000 characters (approximately 600 words) per criterion.

The application form will not accept characters beyond this limit. Please note spaces are included in the character limit.

The amount of detail and supporting evidence you provide in your application should be relative to the size, complexity and grant amount requested.

In assessing your responses to each of the criteria below, the Department will rate the response as:

- fully meets the criterion
- partially meets the criterion
- does not meet the criterion.

Applicants must at least partially meet each of the criteria in order to be deemed suitable.

Fully meets the criterion	Partially meets the criterion	Does not meet the criterion
<ul style="list-style-type: none"> • All sub-criteria have been addressed. • A good case has been made by the applicant through clear and convincing arguments that are supported by evidence. • The applicant has provided relevant information for all of the sub-criteria. • All the claims made are reasonable, generally convincing and well explained. • All the claims made are supported by evidence. • All the claims made and evidence provided generally link back to the grant activities and objectives/outcomes. • All the evidence provided is relevant. • Very limited areas of relevant weakness may have been identified. 	<ul style="list-style-type: none"> • Some or most of the sub-criteria have been addressed. • A satisfactory case has been made by the applicant through information that is generally relevant. While some information is ambiguous, overall a clear picture emerges. • The applicant has provided some or mostly relevant information. • Some or most of the claims made are reasonable and supported by some evidence. • Some or most of the evidence provided is relevant. • Some areas of relevant weakness have been identified. 	<ul style="list-style-type: none"> • No real case has been made against the criterion or any of the sub-criteria. • No relevant information has been provided or the response field is blank. • No analysis has been provided or the sub-criteria are largely repeated. • A very poor case has been made with limited information supplied. • Any claims made may be inadequate, ambiguous or not clearly explained. • Critical areas of weakness have been identified.

Criterion 1: Program outcomes

Demonstrate how your activity will help achieve the program outcomes.

When addressing the criterion, you should:

- state how your activity will be implemented, delivered and promoted
- demonstrate your understanding of the target cohort
- address how your activity will achieve outcomes for the target cohort.

Criterion 2: Organisational capability

Demonstrate your organisation's capability to successfully deliver the grant activity to all relevant stakeholders on time and within budget.

When addressing the criterion, you should:

- outline your organisation's prior experience in delivering similar services
- detail your organisation's capability to deliver the activity, including meeting reporting and performance requirements.
- demonstrate how your activity represents value with relevant money.

7. How to apply

Before applying, you must read and understand these Grant Opportunity Guidelines, the sample grant agreement terms and conditions, sample application form and questions and answers.

The Grant Opportunity Guidelines can be found on the [GrantConnect](#) website. Any changes to these guidelines will be published as addenda¹ on GrantConnect. All other grant opportunity documentation (including the online application form) will only be available to invited applicants via GrantConnect. Addenda to these grant opportunity documents will be published on GrantConnect and only available to invited applicants. By registering on this website, you will be automatically notified of any changes. GrantConnect is the authoritative source for grants information.

You can only submit one application for this grant opportunity. If more than one application is submitted, the latest accepted application form will progress.

To apply, you must:

- complete the online application form on [GrantConnect](#)
- provide all the information requested
- address all eligibility criteria and assessment criteria
- submit your application to the Community Grants Hub by 9:00 pm AEDT on [5 February 2024](#).

We will not provide application forms or accept applications for this grant opportunity by fax or mail.

The application form includes help information. You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the [Criminal Code Act 1995](#) and we will investigate any false or misleading information and may exclude your application from further consideration.

If you need more help about the application process, submitting an application online, have any technical difficulties or find an error in your application after submission, but before the closing date and time, you should contact the Community Grants Hub immediately on 1800 020 283 (option 1) or email support@communitygrants.gov.au. The Community Grants Hub does not have to accept any additional information, or requests from you to correct your application after the closing time.

You cannot change your application after the closing date and time.

If we find an error or something missing, we may ask you for clarification or additional information. This will not change your application. However, we can refuse to accept any additional information from you that would change your application after the closing time.

You should keep a copy of your application and any supporting documents submitted.

You will receive an automated notification acknowledging the receipt of your application.

7.1 Timing of grant opportunity processes

You must submit an application between the published opening and closing dates.

¹ Addenda can include changes to existing grant opportunity documentation and/or publishing additional documents. Changes include but are not limited to: corrections to currently published documents, changes to close times for applications and system outage notices.

Late applications

We will not accept late applications unless an applicant has experienced exceptional circumstances that prevent the submission of the application. Broadly, exceptional circumstances are events characterised by one or more of the following:

- reasonably unforeseeable
- beyond the applicant's control
- unable to be managed or resolved within the application period.

Exceptional circumstances will be considered on their merits and in accordance with probity principles.

How to lodge a late application

Applicants seeking to submit a late application will be required to submit an email request to the Community Grants Hub via support@communitygrants.gov.au. Where appropriate, applicants may provide supporting evidence to verify the claim of exceptional circumstances. Email requests are required within **3 business days** of the grant opportunity closing. There will be no further consideration of requests made outside of the 3 business days.

Upon receipt of a late application email request, the Community Grants Hub will send a link to the late application form, which will detail the due date and time for submitting the late application.

The late application form will prompt applicants to provide a detailed explanation of the exceptional circumstances, which prevented submission of their application prior to the closing date and time.

The Community Grants Hub will provide all exceptional circumstances for consideration to the Grant Opportunity Delegate² or their appointed representative. The Grant Opportunity Delegate or their appointed representative will determine based on the merits of the exceptional circumstances, in accordance with probity principles, whether a late application is accepted.

The Grant Opportunity Delegate or their appointed representative's decision will be final and not subject to a review or appeals process.

Expected timing for this grant opportunity

If you are successful, you will be expected to start your grant activity as follows:

Table 1: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	Within 6 weeks from the closing date
Approval of outcomes of selection process	Within 8 weeks from the closing date
Notification to applicants	Within 9 weeks from the closing date
Negotiations and award of grant agreements	Within 16 weeks from the closing date
Earliest start date of grant activity	May 2024
End date of grant activity	November 2025

² This may be the Department of Home Affairs delegate or nominated staff member at the EL2 level or above.

7.2 Questions during the application process

Only invited applicants' questions will be answered during the application submission period. Please contact the Community Grants Hub on 1800 020 283 (option 1) or email support@communitygrants.gov.au.

The Community Grants Hub will respond to emailed questions within 5 working days. The Questions and Answers document will be updated to include answers to questions and addenda will be published on [GrantConnect](#).

The question period will close at 5:00 pm AEDT on **29 January 2024**. Following this time, only questions about using and/or submitting the application form will be answered.

8. The grant selection process

8.1 Assessment of grant applications

Applications will be assessed based on the eligibility and assessment criteria as set out in these Grant Opportunity Guidelines. Only eligible applications will move to the next stage (assessment).

If eligible, the Department of Home Affairs will then assess your application through a closed non-competitive grant process against the assessment criteria (see section 6). Your application will be considered on its merits, based on how well it meets the criteria.

8.2 Who will assess applications?

The Department of Home Affairs will undertake an assessment of eligible applications against the assessment criteria. The assessment will be conducted by Commonwealth staff, who are trained or will undertake training to ensure consistent assessment of all applications.

A strategy for any potential conflict of interest that could be identified between the Department of Home Affairs or external officials and applicants will be in place. If any actual or perceived conflict of interest is identified, the staff member is required to immediately disclose the conflict to the department and agree to abstain from any decisions. All staff involved in the assessment process will be required to complete a Conflict of Interest form.

8.3 Who will approve grants?

Based on the value of the grant opportunity, and in line with the Department of Home Affairs Financial Delegations, the Assistant Secretary, Humanitarian and Child Wellbeing Policy and Capability Branch will be the decision maker for this grant opportunity. The decision maker decides which grants to approve, taking into consideration any further information that may become known, including the availability of grant funds for the purposes of the grant program.

The decision maker's decision is final in all matters, including the:

- approval of the grant
- grant funding amount to be awarded
- terms and conditions of the grant.

There is no appeal mechanism for decisions to approve or not approve a grant.

9. Notification of application outcomes

We will write to you about the outcome of your application. If you are successful, you are advised of any specific conditions attached to the grant.

9.1 Feedback on your application

A feedback summary may be published on the Community Grants Hub website to provide all organisations with easy access to information about the grant selection process and the main strengths and areas for improving applications.

Individual feedback will not be provided for this grant opportunity.

10. Successful grant applications

10.1 The grant agreement

You must enter into a legally binding grant agreement with the Commonwealth.

We will offer successful applicants a Commonwealth Standard Grant Agreement for this grant opportunity.

Each agreement has standard grant conditions that cannot be changed. The grant agreement terms and conditions are available on the GrantConnect website as part of the grant documentation. Specific grant requirements will be outlined in the grant details.

We must execute a grant agreement with you before we can make any payments. We are not responsible for any of your expenditure until a grant agreement is executed.

Your grant agreement may have specific conditions determined by the assessment process or other considerations made by the decision maker. These are identified in the grant agreement.

We may manage the grant agreement through our [Grant Recipient Portal](#). Accepting the agreement through the Grant Recipient Portal is the equivalent of signing a grant agreement. After you have accepted it, we will execute the agreement. Execute means both you and the Commonwealth have entered into the grant agreement. We will notify you when this happens and a copy of the executed agreement will be available through the portal. The agreement will not become binding until it is executed.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

Commonwealth Standard Grant Agreement

We will use a Commonwealth Standard Grant Agreement.

You will have 10 business days from the date of a written offer to sign and return this grant agreement. The grant agreement is not considered to be executed until both you and the Commonwealth have signed the agreement. During this time, we will work with you to finalise details.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application.

10.2 Workplace Gender Equality Act 2012

The Australian Government has a commitment to effectively support cultural change in Australian workplaces and drive improved gender equality outcomes. Requirements have been implemented for fairer and more consistent measures to ensure the Government deals with organisations who comply with the [Workplace Gender Equality Act 2012](#) (the WGE Act).

Applicants may need to satisfy a requirement to be compliant with the WGE Act.

- Applicants with 100 or more employees who are registered with the Workplace Gender Equality Agency (WGEA) and have been issued with a compliance letter are eligible to apply for a grant.
- Applicants with 100 or more employees who are **not** registered with WGEA will need to register to be issued with a compliance letter prior to applying for a grant.
- Applicants with less than 100 employees across their entire structure are not required to submit a report to WGEA; however, you are required to complete the registration form on the login page of the [WGEA Portal](#). WGEA will use the details provided in the registration form to issue your organisation with a tender letter, which must be attained prior to applying for a grant.

For your grant application to be deemed compliant:

- your organisation must not be included on the WGEA website on the non-compliant list or
- you must be able to provide your compliance or tender letter to the Community Grants Hub when requested.

If you are unable to provide your compliance or tender letter and appear on the non-compliant list, you will be deemed non-compliant and withdrawn from the grant process.

More information regarding reporting requirements can be found at the [Workplace Gender Equality Agency website](#).

10.3 Commonwealth Child Safe Framework

The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the need for organisations to adopt child safe practices including appropriate screening of staff, mandatory reporting and adoption of the National Principles for Child Safe Organisations. The Australian Government committed to a new Commonwealth-wide framework to protect children and young people it is responsible for – the Commonwealth Child Safe Framework (CCSF).

The Australian Government has put in place ways to apply certain child safety requirements of the CCSF to grant recipients. A child safety clause will be included in a grant agreement where the Commonwealth considers the grant is for:

- services directly to children
- activities that involve contact with children that is a usual part of, and more than incidental to, the grant activity
- activities that involve possible contact with children that is irregular or unplanned.

The successful applicant will be required to comply with all child safety obligations included in the grant agreement prior to execution of the grant agreement. Irrespective of the child safety obligations in the grant agreement, you must always comply with state and territory legislative requirements for working with children and mandatory reporting.

10.4 Indigenous organisation type classifications

All Australian governments are working with Aboriginal and Torres Strait Islander people, their communities, organisations and businesses to implement the National Agreement on Closing the Gap (National Agreement) at the national, state and territory, and local levels. The National Agreement identifies 4 priority areas for reform within government. One of these is Priority Reform 2, building the Aboriginal and Torres Strait Islander community-controlled sector to deliver services to Aboriginal and Torres Strait Islander communities.

To assist government with improving and reporting on the level of community grant funding going to Aboriginal and Torres Strait Islander organisations, changes have been made to the way organisation data is collected. Aboriginal and Torres Strait Islander organisations will now be classified into 3 tiers and asked to self-identify which group they fall under. The 3 tiers and their definitions are:

Aboriginal and Torres Strait Islander Community Controlled organisation	These are organisations that are incorporated, not for profit, at least 51% Aboriginal and Torres Strait Islander owned and at least 51% Aboriginal and Torres Strait Islander controlled (Board members or equivalent).
Aboriginal and Torres Strait Islander Operated and Controlled organisation	These are organisations that are at least 51% Aboriginal and Torres Strait Islander owned and at least 51% Aboriginal and Torres Strait Islander controlled (Board members or equivalent).
Other Aboriginal and Torres Strait Islander organisation	These are organisations that are at least 50% Aboriginal and Torres Strait Islander owned OR at least 50% Aboriginal and Torres Strait Islander controlled (Board members or equivalent).

10.5 How we pay the grant

The grant agreement will state the maximum grant amount to be paid.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

We will make an initial payment at the commencement of the grant agreement. We will make subsequent payments according to an agreed schedule set out in the grant agreement. Payments are subject to satisfactory progress on the grant activity.

10.6 Grants payments and GST

GST will be paid for this grant. If you are registered for the [Goods and Services Tax \(GST\)](#), where applicable, we will add GST to your grant payment and issue you with a [Recipient Created Tax Invoice](#).

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#). We do not provide advice on your particular taxation circumstances.

11. Announcement of grants

If successful, your grant will be listed on the GrantConnect website no later than 21 calendar days after the date of effect as required by section 5.3 of the [CGRGs](#).

12. How we monitor your grant activity

12.1 Keeping us informed

You should let us know if anything is likely to affect your grant activity or organisation.

We need to know of any changes to your organisation or its business activities, particularly if they affect your ability to complete your grant, carry on business and pay debts due because of these changes.

You must also inform your Funding Arrangement Manager at the Community Grants Hub of any changes to your:

- organisation name
- ABN
- addresses
- contact person/s
- nominated contact details
- bank account details.

The details of your Funding Arrangement Manager will be included in your grant agreement.

If you become aware of a breach of the terms and conditions under the grant agreement, you must contact us immediately.

You must notify us of events relating to your grant and provide an opportunity for the Minister or their representative to attend.

12.2 Reporting

The Grant Program recipients must have systems in place to allow them to meet their data collection and reporting obligations outlined in their grant agreement.

Progress reports

Progress reports must:

- include evidence of your progress toward completion of agreed activities and outcomes
- show the total eligible expenditure incurred to date
- be submitted by the report due date (you can submit reports ahead of time if you have completed relevant activities).

Additional information may be requested in the progress reports.

Following the initial payment at the commencement of the activity, we will only make grant payments when we receive satisfactory progress reports.

You must tell us of any reporting delays as soon as you become aware of them.

Annual Child Safe Statement of Compliance

You will be required to submit an annual Child Safety Statement of Compliance. This will be a statutory declaration on a form provided by the Hub affirming that that you are compliant with the Child Safe Supplementary Term in your grant agreement.

Ad-hoc reports

We may ask you for ad-hoc reports on your grant. This may be to provide an update on progress, or any significant delays or difficulties in completing the grant activity.

Final report

When you complete the grant activity, you must submit a final report.

Final reports must:

- identify if and how outcomes have been achieved
- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred
- be submitted by the due date and in the format provided in the grant agreement.

Additional information may be requested in the Final report.

12.3 Acquitting your grant

Non-audited financial acquittal report

We may ask you to provide a non-audited financial acquittal report. A financial acquittal report will verify that you spent the grant in accordance with the grant agreement and declare unspent funds. A non-audited financial acquittal report is an income and expenditure statement from grant recipient stating that grant funding was spent to perform the activities as set out in the grant agreement. If relevant, the grant recipient must include in the statement the details of any unspent funds. Non-audited financial acquittals must be certified by the Board, Chief Executive Officer or an authorised officer of the organisation.

Underspent funding must be returned to the Department of Home Affairs.

12.4 Grant agreement variations

We recognise that unexpected events may affect your progress. In these circumstances, you can request a variation to your grant agreement. You can request a variation by contacting your Funding Arrangement Manager with the Community Grants Hub.

You should not assume that a variation request will be successful. We will consider your request based on provisions in the grant agreement and the likely impact on achieving outcomes.

12.5 Compliance visits

We may visit you during or at the completion of your grant activity to review your compliance with the grant agreement. We will provide you with reasonable notice of any compliance visit.

12.6 Record keeping

We may also inspect the records you are required to keep under the grant agreement.

12.7 Evaluation

We will evaluate the Protection Visa Legal Assistance program to see how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also ask you for more information to help us understand how the grant impacted you and to evaluate how effective the program was in achieving its outcomes.

13. Probity

The Australian Government will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the [CGRGs](#).

These guidelines may be changed by the Department of Home Affairs. When this happens, the revised guidelines are published on the [GrantConnect](#) website.

13.1 Enquiries and feedback

Complaints about the grant process

Complaints about this grant process or the Community Grants Hub's service/s must be made in writing using the [online complaints form](#) on the [Department of Social Services](#) website, or by contacting the Department of Social Services complaints line.

Phone: 1800 634 035

Email: complaints@dss.gov.au

Mail: Complaints
GPO Box 9820
Canberra ACT 2601

Complaints about the [Department of Home Affairs](#) grant opportunity, selection process or grant decisions

The [Department of Home Affairs complaints procedures](#) apply to complaints about the grant program, selection process or grant decisions.

This grant opportunity will be administered by the Community Grants Hub on behalf of the Department of Home Affairs. All complaints not specific to this grant opportunity or the Community Grants Hub's service/s (including the selection process and grant decisions) should be addressed to the [Department of Home Affairs](#) through the [Compliments, complaints and suggestions](#) webform.

Complaints to the Ombudsman

If you do not agree with the way the Community Grants Hub or Department of Home Affairs 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 Community Grants Hub or the Department of Home Affairs.

The Commonwealth Ombudsman can be contacted on:

Phone (Toll free): 1300 362 072

Email: ombudsman@ombudsman.gov.au

Website: www.ombudsman.gov.au

13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program. There may be a conflict of interest, or perceived conflict of interest, if the Department of Home Affairs and Community Grants Hub staff, any member of a committee or advisor and/or you or any of your personnel has a:

- professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer
- relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently
- relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/grant opportunity.

You will be asked to declare, as part of your application, any perceived or existing conflicts of interest or that, to the best of your knowledge, there is no conflict of interest.

If you later think there is an actual, apparent, or perceived conflict of interest, you must inform the Department of Home Affairs and the Community Grants Hub in writing immediately.

Conflicts of interest for Australian Government staff will be handled as set out in the [Australian Public Service Code of Conduct \(section 13\(7\)\)](#) of the [Public Service Act 1999](#). Committee members and other officials including the decision maker must also declare any conflicts of interest.

We publish our conflict of interest policy on the [Community Grants Hub website](#).

13.3 Privacy

We treat your personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- who we give your personal information to.

Your personal information can only be disclosed to someone else for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and give out information about grant applicants and grant recipients under this grant opportunity in any other Australian Government business or function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

We may share the information you give us with other Commonwealth entities for purposes including government administration, research or service delivery, according to Australian laws.

As part of your application, you declare your ability to comply with the Privacy Act and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything, which if done by the Department of Home Affairs would breach an Australian Privacy Principle as defined in the Privacy Act.

13.4 Confidential information

Other than information available in the public domain, you agree not to give out to any person, other than us, any confidential information relating to the grant application and/or agreement, without our prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

We may at any time, require you to arrange for you; or your employees, agents or subcontractors to give a written undertaking relating to nondisclosure of our confidential information in a form we consider acceptable.

We will keep any information in connection with the grant agreement confidential to the extent that it meets all of the 3 conditions below:

1. You clearly identify the information as confidential and explain why we should treat it as confidential.
2. The information is commercially sensitive.

3. Revealing the information would cause unreasonable harm to you or someone else.

We will not be in breach of any confidentiality agreement if the information is disclosed to:

- Commonwealth employees and contractors to help us manage the program effectively
- employees and contractors of our department so we can research, assess, monitor and analyse our programs and activities
- employees and contractors of other Commonwealth agencies for any purposes, including government administration, research or service delivery
- other Commonwealth, state, territory or local government agencies in program reports and consultations
- the Auditor-General, Ombudsman or Privacy Commissioner
- the responsible Minister or Parliamentary Secretary
- a House or a Committee of the Australian Parliament.

The grant agreement may also include any specific requirements about special categories of information collected, created or held under the grant agreement.

13.5 Freedom of information

All documents that the Australian Government has, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (FOI Act).

The purpose of the FOI Act gives people the ability to get information held by the Australian Government and its organisations. Under the FOI Act, people can ask for documents the Australian Government has. People may not be able to get these documents if these documents need to protect essential public interests and private and business affairs of persons who the information relates to.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

By mail: Freedom of Information Team
 Government and Executive Services Branch
 Department of Social Services
 GPO Box 9820
 Canberra ACT 2601

By email: foi@dss.gov.au

14. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act).
administering entity	when an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes.
assessment criteria	are the specified principles or standards, against which applications will be judged. These criteria are also used to assess the merits of proposals and, in the case of a competitive grant opportunity, to determine application rankings.
commencement date	the expected start date for the grant activity.
Commonwealth entity	a department of state, or a parliamentary department, or a listed entity or a body corporate established by a law of the Commonwealth. See subsections 10(1) and (2) of the PGPA Act.
Commonwealth Grants Rules and Guidelines (CGRGs)	establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration. Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.
completion date	the expected date that the grant activity must be completed and the grant spent by.
co-sponsoring entity	when 2 or more entities are responsible for the policy and the appropriation for outcomes associated with it.
date of effect	can be the date on which a grant agreement is signed or a specified starting date. Where there is no grant agreement, entities must publish information on individual grants as soon as practicable.
decision maker	the person who makes a decision to award a grant.
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant. Assessment criteria may apply in addition to eligibility criteria.
Funding Arrangement Manager	the officer responsible for the ongoing management of the grantee and their compliance with the grant agreement.

Term	Definition
grant	for the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth: <ul style="list-style-type: none"> a. under which relevant money³ or other Consolidated Revenue Fund (CRF) money⁴ is to be paid to a grantee other than the Commonwealth b. which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives.
grant activity/activities	refers to the project/tasks/services that the grantee is required to undertake.
grant agreement	sets out the relationship between the parties to the agreement, and specifies the details of the grant.
grant opportunity	refers to the specific grant round or process where a Commonwealth grant is made available to potential grantees. Grant opportunities may be open or targeted, and will reflect the relevant grant selection process.
grant program	a 'program' carries its natural meaning and is intended to cover a potentially wide range of related activities aimed at achieving government policy outcomes. A grant program is a group of one or more grant opportunities under a single Department of Home Affairs Portfolio Budget Statement program.
GrantConnect	the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
grantee	the individual/organisation which has been selected to receive a grant.
National Redress legislation	means the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 .
Portfolio Budget Statement (PBS) program	described within the entity's Portfolio Budget Statement , PBS programs each link to a single outcome and provide transparency for funding decisions. These high-level PBS programs often comprise a number of lower level, more publicly recognised programs, some of which will be grant programs. A PBS program may have more than one grant program associated with it, and each of these may have one or more grant opportunities.

³ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

⁴ Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

Term	Definition
selection criteria	comprise eligibility criteria and assessment criteria.
selection process	the method used to select potential grantees. This process may involve comparative assessment of applications or the assessment of applications against the eligibility criteria and/or the assessment criteria.
value with money	<p>refers to 'value with relevant money' which is a judgement based on the grant proposal representing an efficient, effective, economical and ethical use of public resources and determined from a variety of considerations.</p> <p>When administering a grant opportunity, an official should consider the relevant financial and non-financial costs and benefits of each proposal including, but not limited to the:</p> <ul style="list-style-type: none"> ▪ quality of the project proposal and activities ▪ fit for purpose of the proposal in contributing to government objectives ▪ absence of a grant is likely to prevent the grantee and government's outcomes being achieved ▪ potential grantee's relevant experience and performance history.

OFFICIAL:Sensitive



Senator the Hon Katy Gallagher

Minister for Finance
 Minister for Women
 Minister for the Public Service
 Senator for the Australian Capital Territory

REF: MS23-001191

The Hon Andrew Giles MP
 Minister for Immigration, Citizenship and Multicultural Affairs
 Parliament House
 CANBERRA ACT 2600

Dear Minister *Andrew*

Thank you for your letter of 31 October 2023 seeking my agreement to amend Schedule 1AB to the *Financial Framework (Supplementary Powers) Regulations 1997* (FFSP Regulations).

I agree to your request to amend Schedule 1AB to the FFSP Regulations to establish legislative authority for government spending in relation to the Immigration Advice and Application Assistance Scheme, as set out in your letter.

s. 42(1)

The necessary documentation will be submitted to the Governor-General for consideration at the Federal Executive Council meeting scheduled for 14 December 2023. Once the matter has been considered by the Governor-General, my Department will advise your Department of the outcome.

Yours sincerely

Katy Gallagher
 Katy Gallagher

27 NOV 2023